

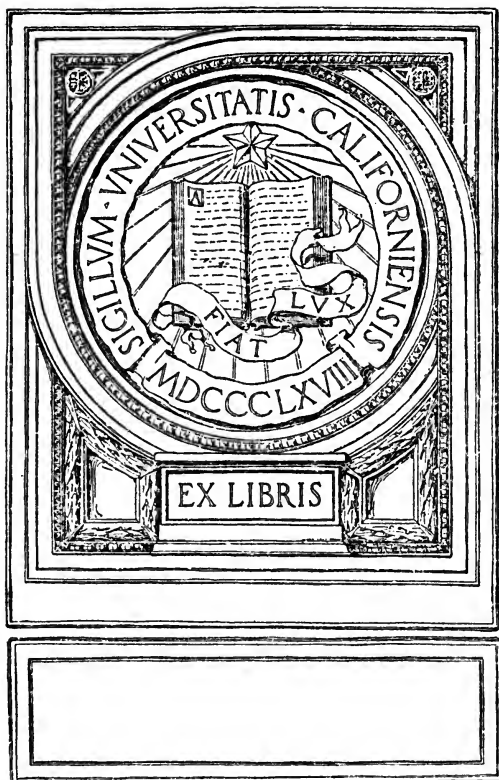
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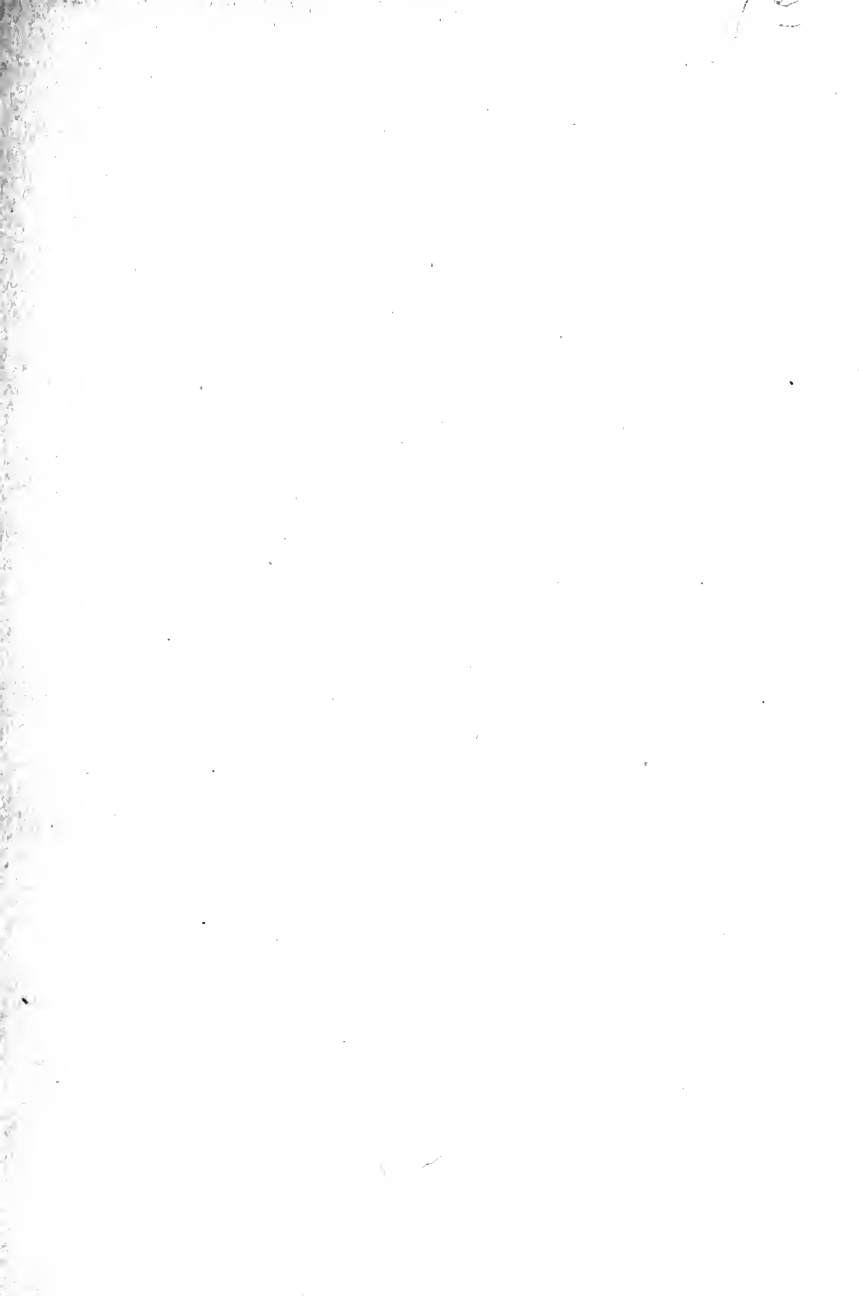


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# THE PHILIPPINE CITIZEN JERNEGAN

PHILIPPINE EDUCATION COMPANY





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# THE PHILIPPINE CITIZEN

A TEXTBOOK OF CIVICS, DESCRIB-  
ING THE NATURE OF GOVERNMENT,  
THE PHILIPPINE GOVERNMENT, AND  
THE RIGHTS AND DUTIES OF CITI-  
ZENS OF THE PHILIPPINE ISLANDS

FIFTH EDITION

BY

PRESCOTT F. JERNEGAN

11



MANILA

PHILIPPINE EDUCATION COMPANY

1913

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FIRST EDITION, NOVEMBER, 1907  
SECOND EDITION, OCTOBER, 1908  
THIRD EDITION, APRIL, 1910  
FOURTH EDITION, MARCH, 1912  
FIFTH EDITION, JANUARY, 1913

PHILIPPINE EDUCATION COMPANY  
MANILA

TO THE RISING GENERATION OF FILIPINOS, WHOSE  
INTELLIGENCE, INDUSTRY, AND PATRIOTISM SHALL MAKE  
REAL THE DREAM OF THEIR FATHERS — A SELF-GOV-  
ERNING FILIPINO STATE — THIS BOOK IS AFFECTION-  
ATELY DEDICATED BY THE AUTHOR

The best laws, though approved by every citizen of the State, will be useless, unless the young are trained by habit and education in the spirit of the Constitution.

—ARISTOTLE



## PREFACE TO THE FOURTH EDITION

THE primary purpose of this book is to help Filipinos to understand and perform the duties of citizenship. After giving an analysis of the nature, forms, methods, and duties of government in general, it traces the development of the present government of the Philippines from the beginning of American occupation to the present. The organization of the various branches of the government of the Philippines is presented and explained, as modified by the legislation extending to January 1, 1912. Special chapters follow on the rights and duties of Philippine citizens.

The Philippine government is unique among all governments, past or present. Its serious study is the first duty of Filipinos, while for Americans its interest is second only to that of a study of their own political institutions.

In presenting the fourth edition of *The Philippine Citizen*, the author wishes to express his appreciation of the reception accorded to previous editions, and to renew his thanks to the friends, now too numerous to mention, who have contributed their advice and criticism.

It is the author's heartfelt wish that these pages may in some small degree make clear to the Filipino people that the only sure road to the attainment of independent democratic statehood is the patient upbuilding of the whole people into an intelligent, industrious, and patriotic body of *citizen-rulers*. This was the message of Rizal. The belief that the Filipino people will heed this

message the author elsewhere expressed in words familiar to many readers of this book :

Yet still beneath thy ardent sky,  
Philippines, my Philippines,  
More numerous sons shall live and die,  
Philippines, my Philippines ;  
In them shall breathe the purpose high,  
The glorious day to bring more nigh,  
When all may sing without a sigh,  
Philippines, my Philippines.

PRESCOTT F. JERNEGAN

HILO, HAWAII TERRITORY

December 1, 1911

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# THE PHILIPPINE CITIZEN

## PART I

### THE STATE AND ITS GOVERNMENT

#### CHAPTER I

##### THE STATE AND THE CITIZEN

**Society.** The habit which men have of living in groups we call the *social* habit, and a group of men living in one place, or united by the same rules, we call a *society*. The entire human race is one society divided into many smaller societies. Even animals, like the ant and the bee, unite in groups to build their houses and get their food. So men unite in societies to help each other. Without society there could be no government; for government is an act of society; it is the method by which the social union is made useful and secure.

**Government.** Government, then, is the system of control by which a society compels the obedience of all its members to laws, and to officers who administer the laws. It is an act of society as a whole; it speaks with authority to all; it rests upon laws made for the obedience of all; and it exists for the benefit of all the members of society. This is the definition of ideal government. Actual governments sometimes exist for the benefit of the few, and rest upon laws which have not the support of society as a whole.

Government has grown from simple beginnings and passed through many stages. We do not know how government began, but probably the earliest form of government was the patriarchal, or family, form.

**The family.** Among some primitive peoples there is no rule but that of the father. The father and his descendants form a society that even today, in some parts of the world, has no government higher than that of the oldest living male ancestor. In the deep forests of Mindoro and in the wilds of Mindanao wander single families who pay no tax and know no ruler but the father of the family. When a family is very large and other families spring from it, the group of related families is sometimes called a *clan* and is governed by the oldest living male ancestor. Clan government is simply enlarged family government, since it rests wholly on kinship.

**The tribe.** Tribal government usually includes larger groups of men than family or clan government, and the members of the tribe are not always closely related. Yet the tribe is founded on belief in kinship. New members are often adopted into the tribe like children into a family. In any case the tribe is, with few exceptions, composed of people of the same race, and the stranger and alien in race and language is not often welcome. The Indian peoples of America and some of the wild peoples of the Philippines are examples of tribes. Tribal government does not tend to develop a high civilization.

**The nation.** "Nation" is a term applied to social

groups whose form of government does not necessarily depend upon relationship of blood. Usually the people of a nation are of the same race, but there are many exceptions, like the Swiss, who are a union of Germans, Frenchmen, and Italians. A nation usually will receive the stranger of another race if he promises to obey the laws of the national government. The principal ties that bind men into nations are unity of race and language, common traditions and history, and similarity in customs, religion, and commercial interests.

A nation may spring from some or all of these ties. No two nations have ever arisen in just the same way. Wherever there is a sufficient number of ties, of whatever kind, to bind people together so that they feel a loyalty to each other and a desire to separate from other social groups, we have the beginnings of a nation.

**The state.** The family, the tribe, and even the nation, are often merely social groups, which exist with little or no government. The state, however, is a social group with a governmental organization. By the "state" we mean a society organized as a political body. Some nations exist in the form of states and some do not. The Jewish nation, for example, is scattered through many countries. It has no governmental organization or distinct political life, but it has a unity of race, history, customs, and religion, that gives it the right to be called a nation. But it is not a state, because it is not governed as a whole by its own laws and by rulers of its own choosing. It is not a political body.

It will be seen, therefore, that "the state" is a term

that applies only to a social group that has laws, officials, and a government of its own choice. It is not customary to call a nation a state unless it is independent of other nations. A nation with a government which is subject to a stronger sovereign nation is usually called a dependent state, a dependency, or a colony.

It should be noticed that "state" and "government" do not mean the same, though they are often incorrectly used in the same sense. Government is the control by means of laws and officials which a state exerts over the people of which it is composed. The state is the body of people who establish and are subject to the government. That the state and the government are different is plain if we remember that a state often has several forms of government in succession. Its government changes, but the state remains. The state is simply the people of a nation acting as a political whole for the purpose of governing themselves; hence we say, the state has a government.

It must never be forgotten that the state is higher than the government, that the government exists for the state, that is, for the whole body of the people.

**The extent and power of the government.** Among the many organizations within the state, like fraternal societies, business corporations, and others, the organized body of men who make and execute the laws and are called "the government" is the most powerful.

In the various branches of government in the Philippine Islands nearly 40,000 persons are employed. They are scattered throughout the three hundred islands



inhabited by Filipinos. Telegraph lines, steamship and railway routes, and the highways connect these officials and employees of the government so that they work together like the big and little wheels of a large engine. Wherever we travel in the Philippines, we hear the clicking of these wheels.

The government does many kinds of work : it builds the roads, carries the mails, keeps peace and order, educates the young, and protects the public health. The government, as the representative of the state, is richer than any man or society of men in the Philippines. It has hundreds of valuable buildings ; it owns many times as much land as all other landholders together ; it collects vast sums of money from the people. More than 30,000,000 pesos yearly flow into the various treasuries of the Philippine government. The government, then, is a great band of men, doing many kinds of work, but all the work of the government is done, or should be done, for the people, or state.

**Government a growth.** A most important fact about all governments is that they were not made in a day, but have grown up slowly like a tree. When a man wishes to build a house, he draws a plan of it; then he gets the bamboo and nipa, or wood and stone, and shapes and joins the materials as he wishes. But men and women are not like wood and stone. Some of them are willing to be governed and some are not. Some learn quickly to obey the government, and some learn slowly or never. The material of which the state constructs its government is human minds and wills ; these cannot

be shaped by force, like dead wood, to fit a plan. The dead wood does not change its form of itself; it obeys the chisel and the saw; but living minds, like living trees, are always changing and growing by means of a force within themselves. So governments grow and change with the growth and changes of the human mind.

**The right of the state to govern.** Every one has the right to ask why the state should claim the right to govern him. The state is composed of individual persons. You have a name different from all other names, because there is nobody else just like you in the world. You are an individual, and for this reason you must think and choose for yourself. If others choose for you, it is their duty to explain and justify to you their choice. Of this truth the writers of the Declaration of Independence were thinking when they wrote, "All men are created equal; they are endowed by their Creator with certain unalienable rights; among these are life, liberty, and the pursuit of happiness." Now government restricts your liberty. You are not as free as the savage of the forest. The government says that you may not walk on another man's land, that you may not even cut a tree from the wild woodland without the law's permission. What right has the government to restrain you?

It is necessary to answer this question because many people obey the government merely from custom. They never question the right of the government to demand obedience. They have never thought that there must be some good reason why the government assumes the right to restrict individual liberty.

It is partly because men are taught so little about the right of the state to govern that they break the laws so often. Many ignorant people think the government rules simply because it is strong; they feel that what the government gains they lose. They obey because they dare not disobey.

Now people who obey the laws through fear do not make good citizens. A state is strong only through the cheerful obedience of its citizens. The great empire of Russia was defeated in war with Japan partly because the Russians did not believe in the right and justice of the government which rules them. Japan won partly because her citizens gave an intelligent and willing obedience to the government.

To discover the right of the state to govern we may well examine the rights of parents, since the state is composed of families, which are themselves little states.

**The rights of parents.** What right, then, has a parent to govern his child? We say, because the child belongs to his parents. This means that the child was born of his parents, and is fed, clothed, sheltered, and protected by them. The parent does not take away the freedom of the child when he governs it, because the child has no power of freedom that the parent did not first give to him.

Now as the parent gives to his child all its power to enjoy freedom, so the state owns, in a sense, all the members of society. Had you been born on a lonely mountain top and always lived as a member of a solitary family, you would have no obligation except to that

family. But you were born a member of society and reared under the shelter of a government. This government extended to your parents the protection that made their lives and property safe; it made labor steady and abundant; it coined and regulated the supply of money which your parents earned for your support. In a hundred ways the government aided your parents to make you what you are. It is the help of the state with its organized government that makes most of the difference between the civilized Filipino and the semi-civilized Igorot. Therefore you are in part the property of the state; that is, you owe it a return for the benefits it has given you.

In ancient Sparta, after the children had reached a certain age the parents gave up the control of them to the state; thenceforth the children lived apart from their parents in houses provided by the government. Sparta considered that the children belonged to the state because the power of the state protected the lives of both parents and children. Today the state does not exercise such close supervision over children, yet it still claims the right to govern, because it has made possible the growth of the child under civilizing influences.

The right of the state to govern rests also on its right to protect itself. Society organizes itself as a state and forms a government for the protection of all its members. In this way armies are raised, roads built, and homes protected against robbers. Those who live within civilized societies must obey the laws by which such societies live. If you have the right to live, so has the state.

The life of each individual of the state is as precious as yours. Therefore the life of the state as a whole is much more precious than yours, and so the state has a right to demand of you obedience to its laws. By your disobedience you must not imperil the life of the state. The state does not compel you to live within it. Every man is free to leave his country and go to another land. Under this government, at least, none is compelled to remain, except of his own will and consent.

**Limitations of the right to govern.** The right to govern of which we have spoken belongs, of course, only to a state which governs justly and wisely. Even parents may lose the right to govern their children if they starve, neglect, or otherwise abuse them. In all civilized countries the law protects children from parents who ill-treat them. In ancient times, in some countries, the parent had the "power of life and death" over his child. Even in the Philippines there was once a time when parents could sell their children into slavery. There have been many unjust and cruel governments in the history of the world. Such governments have no right to demand obedience, since they do not give sufficient protection, justice, and other public benefits.

**The right of revolution.** It is such facts that sometimes make it right for people to rebel against the government. It should be remembered, however, that the worst government in the world today is probably better than no government at all. Those who rebel should first have good reason to think that the government

which they hope to overthrow will be replaced by a better one. Just as children sometimes run away from a parent who speaks a harsh word and thus lose forever the protection of their home, so people sometimes seek to destroy a government that is really their best friend. No parent is perfect and no government is without fault. It would be wrong for one of several children to break up the family because he is dissatisfied with his father's rule. It is quite like this with governments. To rebel against a poor government is easier than to create a better one. It has been said of the wars in the native states of Java, "Half or more of the serious wars in which the native states engaged arose out of the futile question as to which of two men equally bad should govern a certain territory."

History shows that most of the revolutions which have benefited states have been those in which the majority of the people felt sure that the government was unjust and undeserving of obedience.

At the present day, especially under popular governments, public opinion expressed at the polls is a surer means of progress than revolutions. The government of a state belongs to the people as a whole, and it is the duty of the whole people to obey. Forcible revolt is unwise till the people as a whole have tried in vain every possible means of reform. So, while it is true that some governments rule without right, it is never true that the state, which is the whole people, loses its right to govern.

**Citizenship.** A citizen is a person who is a member of the state. Not every one who lives in a country is a

citizen. Foreigners dwelling in your land are "aliens;" they have certain rights, but not the rights of citizens, because they are not members of the state. Not even every member of a nation is a citizen; for only those are citizens who have the full protection of its laws, and who are declared to be citizens by the laws of the state.

Citizenship not only gives rights, but creates the duty of loyalty to the state. He who does not give true allegiance to the state has no rights to its benefits.

In different countries the rights of citizenship are not precisely the same, so it is well to note here exactly who are citizens of the Philippines. All inhabitants of the Philippine Islands who were residing in the Philippines on April 11, 1899, and were at that time subjects of Spain, except those who within eighteen months from that date made a declaration before a court of record that they wished to remain Spanish subjects, are citizens of the Philippines. The children and descendants of such people are also citizens of the Philippines.

In this sense of the word "citizen," all persons are citizens who fulfill the above conditions. One may lose the rights of citizenship by the commission of certain crimes, or by swearing allegiance to another state than his own, but with these exceptions practically all Filipinos are citizens.

Of the duties of citizenship we shall speak later in this book. It is enough now to know that the central idea of citizenship is membership in the state. A citizen is one of the social body which establishes and maintains a government; he is therefore entitled to share in all its

benefits and is partly responsible for its success. The proudest boast of the ancient Roman was to be able to say, "I am a Roman citizen." The pride which a man feels in being a citizen of his country will be measured by his intelligent understanding of his privileges and duties as a member of the state. Every Filipino should cultivate pride in his citizenship.

**Patriotism.** Patriotism grows out of citizenship, yet a country may have many citizens but few patriots. A patriot is simply a citizen who prizes his citizenship and is willing to work, and, if need be, die for the welfare of his country. Patriotism is sometimes spoken of as if it meant merely hatred of the enemies of one's country and the willingness to fight under the flag in defense of one's native land. But patriotism means more than this; it means devotion to the interests of one's country whatever those interests may be. The enemies of a country are often within the country itself. Selfish and corrupt office holders, dishonorable politicians, outlaws and bandits, and even the lazy and shiftless, are enemies of the state, often more dangerous than conquering armies. The patriotism that leads a citizen to make sacrifices for his country in time of peace is sometimes called *civic* patriotism. Among the Romans at one time it was customary to bestow a civic crown, consisting of a garland of oak leaves and acorns, upon a soldier who had saved the life of a fellow citizen in battle. The most important fact about patriotism, however, is that it is a service that the true citizen is ready to render in peace or war to the whole of his country or to any part of it. The



word "patriotism" is derived from the Latin *patria*, which means "native country." All Filipinos would do well to remember what Apolinario Mabini said of patriotism in a letter to his fellow countrymen :

"One's native country is not merely his province, nor his town, still less the place where he was born; all provinces, all towns, and all places where a Filipino has been born, whatever religious belief he professes, and whatever dialect he speaks, form his native country."

Patriotism also means pride in the history of one's country. No matter how few or poor the people of his country, or how humble their past, the patriot is proud of his countrymen and their history. He excuses the faults of the past, and dwells upon every heroic deed or act of virtue. Patriotism is sometimes blind to the real mistakes of the fathers of the country, but this is much better than for a citizen to take no interest and pride in the history of his country. Each nation is filled with pride over its own history, and if the citizens of a country do not take pride in their own history no foreigner will give it just praise.

## CHAPTER II

### FORMS OF GOVERNMENT

**Monarchy.** Since government is a growth it passes through many forms. Thousands of different forms of government have risen and fallen since the first state was formed. No two of these were exactly alike, yet all belonged to one of three classes, — *monarchies*, *aristocracies*, or *democracies*. The most common form of government has been, and still is, the monarchy.

A *monarchy* is a state ruled by a single person, called by various names, such as king, emperor, czar, sultan, etc. The monarch may be a man or a woman, with or without a council of advisers, but in any case a monarch appoints the leading officials of the state. Monarchs usually inherit their position from their ancestors, and in most cases reign for life. There are great differences in the powers of monarchs.

**Absolute and limited monarchies.** An absolute monarch is one whose acts are not limited by law; his word is law. The absolute monarch may condemn persons to death without a trial; he may change his will daily; he is not obliged to do the will of the people. There are very few monarchs today who exercise such unlimited power. Russia is an unlimited monarchy but its monarch is usually guided by the advice of councils, or ministers.

A limited monarchy is one whose powers are checked by a body of lawmakers chosen by the people. In limited monarchies the most important laws are usually

written down in a *constitution*, though some limited monarchies, like England, have no written constitution. The constitution declares what the form of government of the country shall be, and what the king may and may not do. The purpose of the constitution is to guard the liberties and rights of the people. Whatever the king does must agree with the laws of this constitution. For this reason a limited monarchy is often called a *constitutional monarchy*. Most of the great monarchies of the world today are limited monarchies.

**Aristocracy.** An *aristocracy* is a government by a few very powerful men. In former times a few leading men would sometimes seize the rule of a country and divide the power among themselves. The term "oligarchy" is similar in meaning to aristocracy, except that it is usually applied to a group of oppressive rulers.

There are no aristocracies today, but a government in which a rich or titled class of people has most of the power is a government with aristocratic tendencies. It is entirely possible to have a so-called republic with aristocratic tendencies. Some of the South American republics have frequently been under the control of a small class of political conspirators. The name "republic" has often been a mask for misgovernment of the worst kind.

**Democracy.** A government in which all political power belongs to and is exercised by the people of a state is a *democracy*. This word means the rule of the people. If the people of a state meet in great popular assemblies and determine the laws by direct vote of the majority, we have a *pure* democracy. A pure democracy is possible

only in very small states. When cities were independent states such a government was possible. In the great modern countries with many millions of people it is impossible for more than a small fraction of the people to meet in any one place and make the laws. The towns of New England are governed as pure democracies; but no state in the world today is a pure democracy.

A state in which the majority of the people elect representatives to make the laws for them is called a *representative democracy*. This is the form of government of the *republics* of the world today. Since all the people cannot meet in one place to make the laws, they meet in their own towns and choose delegates to a central legislative body.

**Colonial governments.** In addition to the three forms of government mentioned there are many governments in the world that cannot be classed as monarchies, aristocracies, or democracies. These governments are not governments of true states, because they do not express in all cases the will of the people who are governed. They may be called subordinate governments. Countries with such governments may be called dependent states, or colonies. Colonial governments are governments within governments, like a wheel within a wheel. A colonial government may partake of the character of all or some of the three forms of government that have been mentioned.

**The states and colonies of the world.** There are less than fifty independent states in the world today. From time to time the number changes as nations

unite, separate, or conquer each other. By an independent state we mean one which governs itself without interference from another state. Some states are independent in their internal government, while their foreign affairs are managed by other nations. It is sometimes difficult to say whether or not a state should be called independent.

It is important to remember that independence does not mean quite the same thing in any two countries. The little state of Monaco is independent in name and fact, but it is very small, smaller in area and numbers than the city of Manila. Its territory is entirely surrounded by that of the great republic of France. Nothing of international importance could be done by the monarch of Monaco without the approval of the French government.

Some states are independent in name, but because of the jealousy of other stronger countries are prevented from acting with complete independence. Afghanistan lies between the territories of Russia and England. At her court are representatives of both these great powers. The moment Afghanistan shows excessive favor to either of these powers she endangers her independence. In reality, therefore, Afghanistan does not possess true independence.

There are about one hundred and fifty colonies in the world today. Some are very small; others are great countries. The whole of the great continent of Africa is today under some form of colonial control, except the two countries of Liberia and Abyssinia. Fully half the

people in the world live under a dependent form of government. All over the world the number of governments has been growing smaller and smaller during the last four hundred years. Where once there were thousands of governments there are now hundreds. In form these governments have been slowly changing from monarchies to representative democracies.

We shall see later that the personal liberty and rights which we enjoy do not depend so much on the name of the government we are under as upon other things. The subjects of some monarchs are freer than the citizens of some republics. The people of England are as free as those of the United States, though England is a limited monarchy and the United States is a representative democracy.

## CHAPTER III

### THE REPRESENTATIVE DEMOCRACY

**Popular government.** Since the United States is a representative democracy and is attempting to create a government of this kind in the Philippines, it becomes necessary to study this form of government with great care.

In the phrase of Abraham Lincoln, the government of the United States is a "government of the people, by the people, and for the people," that is, *popular* government. It is important to remember that not all the people in any democracy take part in the election of public officers and the making of laws. In the most liberal of democracies women, with few exceptions, are excluded from a share in the government. Even in the United States only about one fifth of the whole population is entitled to vote. Popular government differs in degree in different democracies. What constitutes a democracy is not the *number* of people who vote but the fact that the people are the *source* of the laws.

**Civil rights.** All the citizens of a state are entitled to the equal protection of the laws and to a proper share in the benefits which the government gives to the people. The most important of these benefits are the protection of life and property, equal justice, freedom of religion, freedom to move from place to place, and freedom to choose the occupation which one prefers. These, with some others, are called *civil* rights. They belong to all, male or female, young or old, rich or poor alike. It will be noticed

that these rights all relate to the "life, liberty, and happiness" of the individual person; hence they are often called *personal* rights.

**Political rights.** *Political* rights are the rights which are given to some of the people to vote for public officers and to hold public office. Properly speaking, voting and holding public office are not rights but *privileges*. The civil rights are called the "rights of man" because it is believed that they belong to every man and woman by birth and that no government can justly take them away. They are the benefits which it should be the object of every government to secure to all the citizens. But political rights are simply the *means* by which the government secures civil rights for the citizens. Every state has the right to limit political privileges in the way that it believes will best secure the personal rights of the people.

Therefore when we say that popular government is the best kind of government we do not mean it is the best kind of government for every country. History shows that some popular governments have been destructive of the liberties of the people, because the people were not ready for that kind of government. The first French republic, for example, resulted in a reign of terror, followed by the dictatorship of Napoleon I. The final object of government is to secure personal rights; political rights are mere tools that may be changed to suit the needs and conditions of the particular people to be governed.

**The suffrage.** The right to vote for public officers



and laws is called the right of *suffrage*. It is a political right. As we have said, no state gives this right, or privilege, to all its citizens. It is easy to see that it would be foolish to give it to the insane, to very young people, and to criminals. Every one can see that there are at least two things that should be required of those to whom the suffrage is to be given: they should have a certain amount of intelligence, and they should be friends of the state, not outlaws.

It is sometimes difficult to say just how much one should know to be qualified to vote. In the United States, where popular education is so efficient and widespread, some states grant the suffrage to all males over twenty-one years of age. In many of the states, however, an educational or property qualification is also required. This often greatly reduces the number of electors. In the opinion of many, the suffrage should be still further restricted in the United States. It would certainly be a very foolish step to grant unlimited suffrage to people like some of the negroes of Africa, who in many cases know hardly enough to build a hut over their heads.

**Woman suffrage.** Even in the United States the full rights of suffrage are not granted to women, except in nine states. Many of the women are exceedingly intelligent and possess every qualification of mind and character that the male voters have, but they are not allowed to vote, because the suffrage is not a right but a privilege. This privilege it is not usually considered necessary to extend to women at present. If their votes were necessary to secure civil liberties to the people it would be

entirely proper to grant them the suffrage. We shall learn later in this book what qualifications the government considers necessary for the exercise of the suffrage at the present time in the Philippines.

**Majority rule.** One of the fundamental principles of popular government is the rule of the majority. It must not be thought that this, any more than the suffrage, is one of the rights of man. It is simply one of the methods of democratic government. If the state thought best, it might change this rule. It might require a two thirds vote for a decision, or even a unanimous vote. There are several reasons why the decisions of the majority should be followed.

**Reasons for majority rule.** The state is created chiefly by the majority. The taxes of the majority usually pay most of the expenses of the government. If the country is attacked, the lives of the majority form its chief defense. The greater the majority the more clearly this is true. We may say, then, that, as a rule, the majority does more for the minority than the minority does for the majority and therefore it has the right to say what the laws shall be. It is the many who support the few, not the few who support the many.

If one of three children in a family did not like the decisions of the father, it would not be right for that one to rebel against his father and prevent him from doing what the other children wished him to do. As long as a child remains in the family and shares in the common benefits of family life he should agree to the decision of the

majority of the family. The state resembles a great family, and the will of the majority is the will of the greater number of children.

Those who are not accustomed to obeying the will of the majority often find this hard to do. Majorities are sometimes mistaken; one wise man knows more than a hundred simpletons. Thus it sometimes happens that a majority is composed largely of rash and evil people who have not so much judgment and patriotism as the minority. This will not often occur, however, and even if it does happen occasionally, it is better to let the will of the majority prevail, for without this we cannot have popular government. It is better that some mistakes should be made, even if they are great, than that a state should abandon hastily the principle of majority rule.

**The rights of the minority.** It is the duty of the majority to have some consideration for the opinion of the minority. The opinions of the minority should be attentively heard by the majority. The majority should not make the defeat of the minority hard by scorning them; it should be slow to accuse the minority of being traitors to their country; it should remember that the majority must govern the country for the good of all the people, not simply for the benefit of the successful majority. The excitement of elections, the fiery speeches of rival candidates, and the strong differences of opinion about public affairs in a democracy, often make the citizens of a republic act like enemies to each other. After the decision of the election all bitterness

should be laid aside and all hard words forgotten. The government is the government of the whole state, and the state is composed of all the citizens.

When the majority gets control of the government it should always consult respectfully the opinion of the minority in making laws; it should give a fair share of the government positions to the members of the minority. There are few political wrongs greater than to fill all the positions in the government with members of the stronger party.

**The law of averages.** It should be remembered that in great democracies composed of millions of people, like most of the representative democracies of today, the differences between the abilities of people balance. That is to say, while there are some very wise men and some very foolish ones among the voters, neither the majority nor the minority has all the wise or all the foolish. The average intelligence and patriotism of the inhabitants who compose the majority and the minority are usually about the same.

If this is not so in any country it means that there are classes in that country, and that the people vote on a class basis. For example, there may be a few rich and educated people who form one class and a mass of ignorant and poor people who remain in another class. It may happen that those of noble blood vote in one class and those of humble birth in another class; again, the division may be according to religious beliefs. Whatever the reason be that leads men to vote in classes, the fact that they do it shows that they are not ready for true

representative government. In a country where men vote by classes we do not get the opinion of the majority as to what is best for the government of the people as a whole, but merely the expression of what each class wants for itself. This shows us that there are certain qualities that a people must possess to be fitted for the exercise of popular government.

**Qualifications for popular government.** The first qualification for popular government is *homogeneity*. This means that the people who vote should be very much alike in most things. No democratic government gives the suffrage at once to foreigners who enter its borders. They must usually reside in the country several years before they are allowed to vote. Even if they are intelligent and rich, they must wait till they understand the customs and wishes of the people whose government they are to share. For this reason a people of many religions and languages finds it difficult to establish successful popular government. It is not absolutely necessary that all be of the same race, or speak the same language, but they must be sufficiently alike to act harmoniously in the state.

*Intelligence* is another qualification for popular government. Without intelligence and some degree of education the voter will not understand the needs of his country, or even of his town. It is much more difficult to understand what is best for a great country than to know what it is best to do in one's private business.

The government of a great state is very complicated today. There are many laws, and the government must

engage in many kinds of work. To form correct opinions on these laws and policies requires much intelligence. It is not enough that there be a few intelligent persons among the electors. In a monarchy or an aristocracy it is sufficient for a few to understand the needs of the state and the proper methods of government, because these few have the power to do their will. But if in a democracy only a few are intelligent, the ignorant majority may defeat the wiser plan of the minority.

Further, in a democracy there are many leaders who wish to be elected to high office. Sometimes they are not patriotic citizens. They seek their own advancement and not the good of all the people; they deceive the people by false statements and false promises. It is necessary that those who vote have sufficient intelligence to discover the truth for themselves. They should be able to tell the difference between a true patriot and a demagogue, as such sham patriots are called.

A third reason why intelligence is necessary among the voters as a whole is that usually the office holders in a democracy are chosen from among the qualified voters. There is very little difference between the legal qualifications required for election to the highest offices of the state and those required for the exercise of the suffrage. It is not enough that in a democracy there be among the people a small class of able and intelligent men to fill the public offices. There should be a sufficient number to fill them many times over, because the will of the people in a popular government may place almost any one of the voters in office.

No people may be considered ready for successful popular government unless there is a fair degree of *industry* and *thrift* among the whole people. In many countries a property qualification is required for the suffrage. This is because experience has shown that people with property are cautious and likely to consider carefully what is best for the state. People who lack the industry and the thrift to provide good homes for themselves are careless of the future. Such people hope to gain by a change, because they have nothing to lose, so they are ready to make hasty changes in the government and laws of a country. The plans of a government should look much farther into the future than the plans of an individual, because the state has much longer to live than an individual. Therefore a man who cannot provide for his own future is not likely to be fitted to choose wisely the laws and officers who are to shape the future of the state. *Stability of character* is a quality which those who possess industry and thrift are likely to have. This trait is necessary in the rulers of a state; for changes in the laws should not be hastily made. As we have seen, government is an institution of slow growth, and what is slowly gained should not be thoughtlessly changed.

There are many other qualities desirable in a people to fit them for self-government, but there is none more necessary than *moral courage*. Moral courage and brute courage are two different qualities. The courage to shed blood and bear pain is not always moral courage. To cast your vote for the candidate you think the best

often requires high moral courage. To resist the pleas of friends who desire to secure your vote for their own party demands firmness of character. Frequently in elections bribes of money or promises of other assistance are made to voters to secure their votes. Only the morally brave can resist these attempts at corruption. A people who are easily frightened and led about by men of words and threats are not ready for popular government. It is not necessary to delay popular government till every man is a hero, but among a self-governing people there should be many men of character and courage who will help the weak to do right in the exercise of the suffrage.



## CHAPTER IV

### THE DUTIES OF GOVERNMENT

**Introductory.** It is very necessary to form a clear idea of what a government ought to do, and what it is unwise for a government to attempt. There are many different opinions about the proper duties of a government. There is a class of men called *anarchists* who do not believe there should be any government. They believe that each man should be allowed to do as he pleases. Still others, called *communists*, believe that the state should control nearly all our actions. They would have all the railroads, mines, farms, in fact everything, owned by the government. According to the communists, the government should determine what the occupation of each man should be, and all property should be held in common and shared equally.

The answer to the anarchist is that no man could have security of life or property without the existence of a strong government, and that without the cooperation of all the people, which government makes possible, we could not have public roads, schools, and many other things which make life easier and richer. The answer to the communist is that if the government takes complete charge of our lives it destroys individual liberty, which is the birthright of every man as long as he does not interfere with the liberty of his neighbor. A society composed wholly of anarchists would make the world a den of wild beasts; one composed wholly of communists would make all the world a schoolroom.

**The three departments of government.** Every government that governs well must do at least three things. It must make laws; it must execute, or carry out, the laws; and it must explain and apply the laws to individuals. No matter whether a government is a monarchy, an aristocracy, or a democracy, everything it does belongs to one of these three departments of the work of government. An absolute monarch makes, executes, and applies the law; an aristocracy does the same, but the work is divided among a few; in a democracy these three acts of government are more clearly separated, and are performed by a greater number of persons, but in every case these are the three most necessary duties of government. These divisions of the public work are called the *legislative*, the *executive*, and the *judicial* departments of government.

In a representative democracy, like the United States, the lawmaking power is put into the hands of elective bodies of men. These men are chosen by the people from among themselves to make the laws. They form what is called the *legislature*.

In a republic the president and certain other officers associated with him form the executive department. They give the necessary orders for carrying out the laws.

Most laws need but little explanation, for great care is taken to make them clear, but in many cases it is difficult to determine just what a law means, or to what people it applies. In such cases the judicial department, composed of the judges and courts, determines the meaning and application of the laws. The judges

not only decide what the meaning and the application of the laws are, but also who have violated them and what degree of punishment shall be inflicted for disobedience to the laws. Thus the business of the judicial department of government is a very serious one.

It is of great importance to keep these three departments of government separate so that each may act as a check to the abuse of power by the others.

**The chief duties of government.** We shall now speak of the actual duties of government; that is, the subjects about which it may properly make laws. Some of these tasks of government are absolutely necessary in any well ordered state; others are necessary in some states but not in others, according to the character and surroundings of the people of the state.

The first and most important duty of a government is to *establish and maintain peace and order*. The state must be protected from the attack of foreign enemies, from civil war within its own borders, and from the violence of robbers and outlaws. Every one knows this, yet sometimes the citizens are unwilling to make the sacrifices necessary to secure peace and order. Whatever the cost to the state and the loss to individuals, a government should compel peace. A country that allows continual robbery on its highways can make no progress and needs a new and stronger government.

An *even, firm, and prompt administration of justice* is the duty second in importance. The punishment of crimes and the settling of disputes about property are a part of the work of preserving peace and order. They

are the efforts of the government in time of peace to prevent disorder. Justice should be even; that is, it should apply to all classes alike without favor: it should be firm; that is, the penalties for crime should be sufficient and the decisions of the judges should be unyielding: it should be prompt; for delayed justice is often the greatest of injustices, as when a person dies in jail while awaiting trial for his alleged offense.

Third in importance comes *the determination by the state of the civil and political rights of the people*. Every government should make plain to every citizen just what are his personal rights under the law and what political liberties the state considers it proper to allow him. As we have learned, there is no fixed number of political rights that the citizens of a state should have. The number and kind of such rights change with the progress of government and the particular conditions in which each state finds itself. In time of war even personal rights may be suspended for the sake of the public safety. In time of peace the spread of education, and other causes, justify the granting of larger political rights. The determination of these rights is the most delicate and difficult part of the duties of government.

No rules can be given for the exact way in which the state should perform these duties. In some countries the state must take charge of many things in the lives of the people in order to secure peace, justice, and political and civil rights. In other states much may be left to the good sense of the people themselves. It is in deciding when to interfere with the actions of the people,

and when not to do so, that a legislature shows its wisdom.

**Political freedom and individual freedom.** The right of a people to choose its own rulers and to make its own laws is political freedom. If, however, the masses of the people are ignorant and unruly, it may be necessary for the state to use force to compel obedience to the laws. Thus, at times, a people with political freedom may have little individual freedom. The presence of many robbers, of demagogues, or of other disturbers of the public peace, may make it necessary to restrict the freedom of the individual very much. The ideal government tries to preserve the political liberties of a people and at the same time to give as much individual freedom as possible. We have already said that in some of the smaller republics of South America there is much political freedom but little individual freedom. The people elect their own rulers and lawgivers, but these countries are disturbed by revolt, robbery, and selfish politicians who abuse the power which the people have given to them. On the other hand, in a country like England or Germany the people have little political freedom, because their rulers are hereditary monarchs, yet the government interferes very little with the freedom of the individual in his private life.

**Liberty and license.** Liberty, then, does not mean that each is free to do as he pleases, but only that each is free to do right. Every Filipino may memorize with profit the words of Apolinario Mabini on liberty:

“Many talk of liberty without understanding it; many believe that if they have liberty they have complete freedom to do the

bad and good alike. Liberty is freedom to do right and never wrong; it is ever guided by reason and the upright and honorable conscience of the individual. The robber is not free, but is the slave of his own passions, and when we put him in prison we punish him precisely because he is unwilling to use true freedom. Liberty does not mean that we shall obey nobody, but commands us to obey those whom we have put in power and acknowledged as the most fit to guide us, since in this way we obey our own reason."

**Other duties of government.** Besides the necessary functions, or duties, of every good government there are many things that the government may at times do with profit to the people. Some of these are of great value, like the construction of public roads, but they are not absolutely necessary to the existence of government. Whatever promotes commerce, industry, the public health, the education of the young, and the morals of the people, may become a part of the duty of government. There is nothing which the government may not do for the prosperity of all, *if it seem wise to do it*. How shall we determine what tasks the government shall undertake? There should be some rules to keep the government from communism. What are they?

**Public works.** There are many public works, like good roads, which are too great for private individuals, or associations of private persons, to undertake. Such works it may become the duty of the government to construct. A great harbor, for example, is used by the people of many towns and provinces. It is not right that one town should bear the whole expense of improving such a harbor. What is for the benefit of all should be done at the expense of all.

**Other aids to public progress.** There are many other tasks of government, which we may call aids to public progress. Among these are public education, scientific investigations of the mineral and forest resources of the country, experiments in agriculture, the introduction of new industries, and the like. There is no limit to the possibilities of governmental action, because the needs of the people are constantly growing and changing, as civilization advances and changes. What it was unwise for the government to do formerly may be wise now; what is wise now may be unnecessary, or even harmful, tomorrow. The introduction of railroads into the Philippines, for instance, makes necessary the enactment of many laws which were not necessary before. The rights of landowners, the protection of the lives of travelers, and many other matters of great importance, thus become the care of the government.

There are many useful undertakings which can be best done only by the strength of all the people. The postal service, the coining of money, the prevention of the spread of disease, the charting of the seas, and many similar offices, may be properly performed by the government, if it is able to do these things and at the same time accomplish the three necessary tasks of government. It would be a great mistake to try to engage in additional undertakings if the resources of the government were too small to maintain peace, justice, and the rights of the people while attempting other tasks.

**Dangers of governmental action.** There is always danger that the government will try to do too many

things at once. This leads to extravagant expenditure of the people's money. There is a limit to the extent to which a people may be taxed wisely, even when the taxes are to be used for the benefit of the people.

People usually cry out too soon against the burden of taxation. Often they object to taxes, not because these are really excessive, but because they are unwilling to be taxed for the benefit of all the people. They wish to pay only such taxes as are spent directly for their own benefit. This is not patriotism, and a government should give no heed to such complaints.

On the other hand, experience shows that governments are often tempted to extravagance, that they attempt too many things, and attempt good enterprises too soon. The expenditures of a government should be carefully adjusted to the needs and the purse of the people. The government officials are not spending their private money, but the public money, so there is danger that they will enter too freely upon great expenditures.

The greatest danger of governmental action is that it may interfere with the free growth of the individual. There are many things which governments sometimes try to do which properly relate only to the life of the individual. To tell people how they shall dress, what they shall eat and drink, and the like, is to make "sumptuary laws." Such laws always cause unrest and are usually unwise. The strength of a state is in the energy and resourcefulness of its people. These qualities are always most effective when exercised freely. Therefore the sort of governmental action that does for the people



what they ought to do for themselves, or which prevents them from doing what does not interfere with the good of the state, is usually bad.

In seeking to secure a public good the government may conflict with the rights of individuals. There is danger that the good accomplished by some public laws will be offset by the harm done in violating the interests of private persons. It should be remembered that the public is composed of individuals and that the public good means simply the good of the individuals who compose the public.

One of the most important rights which the government should be careful not to violate is the individual right to property. Next to life and health, property is the most precious possession of the individual. Governmental action in regulating business, laying out streets, or securing other ends, may easily cause great loss to individuals without giving a corresponding benefit to the public.

To be avoided above all is the danger that the officials of the government shall think themselves and the government of more importance than the people. The government is "the servant of the people." When the laws become too numerous and interfere with many details of private life, there is a tendency for government officials to become autocratic; that is, to act according to their own will and fancy, instead of according to the instructions of the people. In a representative democracy care must be taken that the government represent the will of the people and not that of the officials by whom the government is administered.

## CHAPTER V

### GOVERNMENT IN THE UNITED STATES

**The federal republic.** Each state of the Union is a representative democracy, and the federal government formed by their union is also a representative democracy. To each of the states the Constitution of the United States guarantees a republican form of government. Thus the states are independent of each other, but are subordinate to the federal government. This union of states forms a *federal republic*, the highest and latest form of governmental organization in the world.

It is important to observe that the powers of the federal government, whose seat is at the capital of the country, Washington, were wholly derived from the people of the states. As we shall see later, the provincial governments of the Philippines were created by the central government, and derive all their powers from that government. In the United States, on the contrary, the federal government was established by the people of the states, and has only such powers as were granted to it by them.

The general principle which defines the authority of the federal government over the state governments is that the federal government has authority in all matters that concern the interests of all the states, while each state regulates all matters that relate to itself alone.

**Constitutional government.** The federal and the state governments are *constitutional* governments; that is, the laws are based on written constitutions, which

were formed when these governments were established. The constitution of a state is the law which defines the organization and powers of the government and the civil and political liberties of the people. It is possible, but not wise, to have a representative democracy without a written constitution. If there is no written constitution the laws may be hastily changed; new and rash laws may be made to the damage of the state, and the entire policy of the government may be altered, contrary to the will of the majority of the people. A written constitution thus protects the people against their own lawmakers by preventing the latter from abusing their power. It also protects the people against themselves; for were it not for the written constitution the people themselves, in times of national excitement, might favor unwise laws.

One feature of a written constitution is that it cannot easily be changed. The federal constitution cannot be changed except by the agreement of three fourths of the states. It takes a great deal of time to secure such an agreement, and only the most clearly necessary changes can be made. Only fifteen changes, or "amendments," have been made in the Constitution of the United States since it was framed in 1787.

**The Congress.** The legislative power of the federal government belongs to the *Congress*. This consists of two houses: the *Senate*, or upper house, and the *House of Representatives*, or lower house.

It is considered better to have two legislative houses than one, because each house acts as a check on the

other. Two horses tied together are less likely to run away than one alone, and two legislative houses are not likely to agree at the same time upon unwise laws.

There are two senators from each state of the Union. The number of representatives from each state is determined by its population. A number of states have passed direct primary laws, allowing the voters to express at the primary election their choice for senator. In these states the legislature usually chooses the candidate who has received the largest popular vote. At the present time there is one representative for every 193,167 of the population. Thus while each of the forty-eight states has two senators, whether the state be large or small, the number of representatives from the different states varies greatly. At present there are 96 senators and 435 representatives.

The senators are elected by vote of the state legislatures, but the representatives are chosen by the direct vote of the people. The representatives hold office for two years, while the term of office of the senators is six years, one third of them being elected every two years.

It is impossible to describe in detail in this book the methods of congressional legislation. The important facts to remember here are that the acts of Congress must agree with the Constitution, that Congress has practically no executive or judicial power, and that its authority extends to every part of the United States and of the insular possessions of the United States.

**Committees.** Much of the work of the Congress is

done through committees. Every measure that comes before Congress is first referred to a committee, which reports it back to Congress with its recommendations, favorable or otherwise, or "pigeon-holes" it. Only about one fourth of the bills and resolutions introduced into Congress are reported back by the committees. In the Philippine Legislature committees serve a similar purpose.

**The control of Congress over the Philippines.** It is particularly important for Filipinos to understand that the power to govern the Philippines lies wholly in Congress. The Constitution says that the Congress shall make all laws relating to the possessions of the United States :

"The Congress shall have power to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States." (Art. IV, Sec. III, 2.)

For this reason the government of the Philippines may be conducted according to the principles of the Constitution of the United States, or otherwise, as Congress may see fit. As we shall see later, Congress has organized the government of the Philippines in accordance with the spirit of the Constitution.

**The judiciary.** The federal judiciary consists of a *Supreme Court* and a system of lesser United States courts. The Supreme Court of the United States is the most powerful and dignified judicial tribunal in the world; for it has the power, in test cases, to decide whether the laws of a state legislature agree with the

federal Constitution. Its members are appointed by the President of the United States, and may be removed only with the greatest difficulty and for the most serious reasons. Thus they are independent of outside influences, and can judge with fairness and firmness.

**The executive.** The executive power of the United States belongs to the President and his secretaries. The President is chosen by an electoral college of presidential electors, who are elected in the several states by the direct vote of the people. These electors choose the President. They are instructed by the people who elect them for what candidate they shall vote. With one exception only, the electors have always followed instructions, so it is really the people themselves who elect the President.

**The Cabinet.** The President directs the administrative work of the federal government through nine *executive departments*. At the head of each is a secretary, and these nine secretaries form the President's Cabinet, or council. They are entitled, in order of rank, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

These secretaries are appointed by the President, with the approval of the Senate. They are subject solely to the direction of the President and are removable by him at will.

One bureau of the Department of State is the *Bureau of Citizenship*, which issues passports to citizens who

desire to travel in foreign lands. A recent law grants passports not only to citizens, but also to loyal residents of the insular possessions of the United States.

The Secretary of War conducts the affairs of the Philippines through his department, under the direction of the President, and of Congress. This is done by the *Bureau of Insular Affairs*, at the head of which is an officer of the United States Army. The Bureau of Insular Affairs has charge of appointments to the Philippine civil service, the transportation of employees to the Philippines, the care of Philippine government students in the United States, and similar matters.

**The state governments.** The state governments are like the United States government in that each state has a legislative, an executive, and a judicial department. The chief executive officer of the state is the governor, who is elected by the people. Each state has a legislature composed of two houses.<sup>1</sup> While each state is independent of each of the other states in local affairs, yet no state is permitted to withdraw from the Union, or to make laws contrary to those of the federal government. Thus a balance is preserved between the power of the federal government over all the states and the independence of the state governments. The one cannot become despotic, and the other cannot withdraw from the responsibilities of the Union.

**Local government in the United States.** There are several systems of local government in the United States,

<sup>1</sup> In some states the introduction of the initiative and the referendum has given the people more direct control over legislation. See page 196.

but they are all alike in principle; that is, they derive their powers from the people, and they have liberty to govern as they please in local matters. In New England the unit of government is the *town*. The New England towns are pure democracies. In the annual "town meeting" the local officials are elected and the town ordinances are made. The people make their local laws as a whole, not through representatives. It is only in small towns that such governments are possible, so we find that towns of large size in New England have *city*, or municipal, government. In the cities the government is administered by a mayor and a city council, both elected by the people. This, therefore, is representative government, like that of the municipalities of the Philippines. ✓

In the southern part of the United States the *county* is the unit of government. All the states of the Union are divided into counties, but county government in New England is separate from the government of the town, and is unimportant. In the southern states, however, there is no town government, as a rule, and the people are directly controlled by the county government.

In the middle and the western states the town system of New England and the county system of the South are combined in various ways.

**The commission plan of city government.** In the last few years many cities in the United States have abandoned the plan of governing through a mayor and a council. Instead of this, a small commission, usually chosen from the city at large, is entrusted with all the powers of the city government. The members of the



commission not only legislate for the city, but have charge, as individuals, of the administration of the city departments. This plan is similar to the method of commission government of the City of Manila.

It is thought that by this plan better and more skilled men can be placed in control and their responsibility to the people be more effectively assured. Instead of a large council composed of petty politicians from the wards of the city, the commission plan offers a group of usually five members, each of whom is especially qualified for the conduct of some administrative department. On the other hand, there is a danger in combining legislative and administrative powers in the same persons.

**Political parties.** In a great democracy it is impossible to vote with intelligence for candidates for office, unless the candidates are known before election day. In the United States there are several great political parties which name candidates for election to public office and try to secure the election of these candidates. A political party is a group of electors who have the same opinions about the proper methods of government, and are united in the support of the same candidates for office. The political party has no legal standing; it is a private organization. Political parties are organized through local, state, and national committees. The local party organizations elect delegates to the state and national conventions of the party, in which the candidates for state and federal offices are nominated. Then the entire party proceeds to work for the election of its candidates.

**The primary.** The *primary*, or local meeting of the members of a party, is the most important element of party organization; for in the primary the people exchange opinions and express their will directly. The primary is the meeting in which the delegates to the state conventions of the party are chosen.

In some of the states the term "primary" is applied to the first meeting of the voters belonging to one political party of an election district, for the purpose either of choosing delegates, or of nominating candidates for office.

So important is it that these primaries be conducted properly that, although the political parties are not governmental organizations, some states are placing the primaries under legal direction, so that they may be conducted honestly, like the official elections.

**The power of political parties.** The opinions and principles of political parties are not like the laws of the state and federal governments; they are easily and frequently changed. Yet these parties exert great influence. Through the political parties the people of a great democracy are kept informed of the political condition of the country, and are awakened to an interest in the affairs of the state. No great governmental policy in the United States can be adopted without the support of a political party. Persons are rarely chosen to very high office without previous nomination by a political party.

## PART II

# THE ORGANIZATION OF GOVERNMENT IN THE PHILIPPINES

## CHAPTER VI

### THE ESTABLISHMENT OF AMERICAN SOVEREIGNTY

**Government in the Philippines before 1898.** A complete understanding of the present system of government in the Philippines requires a knowledge of the growth of government in the Philippines up to 1898. The plan of this book does not permit a full account of the ancient Filipino forms of government, nor of the government established in these Islands by Spain. Readers who have *A Short History of the Philippines*<sup>1</sup> may consult the following chapters of that book: III, VII, IX, XVII, XX, XXII, XXIII. For the benefit of those who have not the book at hand, the following sketch is given.

**Government in the Philippines before the Spanish conquest.** At the time of the arrival of the Spaniards, the unit of government in the Philippines was the village. With few exceptions each village of the ancient Filipinos was governed by its own headman, assisted by a council of old men. In some parts of the Islands there were loose confederations of several villages whose chiefs submitted to the most powerful headman of their number. These little governments were somewhat monarchical in character, since the position of headman was usually hereditary,

<sup>1</sup> *A Short History of the Philippines*, by Prescott F. Jernegan. D. Appleton and Co.; New York, 1908.

and the will of the people as a whole was not followed.

**Government of Spain in the Philippines.** The Spaniards established in the Philippines a colonial government conducted on monarchical principles. The Philippines were attached for governmental purposes to the viceroyalty of Mexico, a Spanish colony in North America, and were called a "captaincy-general." They were governed by the king of Spain through a *Captain-General* aided (after 1584) by an *Audiencia*, or Supreme Court. In reality the Captain-General controlled the Supreme Court. Church and State were united, and the Archbishop of Manila was often as powerful in the affairs of government as the Captain-General.

**The encomienda system.** At first the captains-general ruled through *encomenderos*, who were Spaniards and, at first, usually soldiers. The *encomendero* was given charge of an *encomienda*, which consisted of a tract of land together with the natives living on the land. He was at the same time judge, tax-collector, and governor. The *encomienda* system lasted till the injustices caused by the extortions of the *encomenderos* led Spain to abandon this form of government.

**Provincial and municipal government.** The Islands were gradually divided into provinces, under *alcaldes*, with civil government, or into military districts, with military rule. The *alcaldes* combined the duties of governor and judge. They were allowed to carry on private trade during most of the period of Spanish rule, and they were always Spaniards, appointed by the King or the Captain-General.

The towns, or municipalities, were governed by *gobernadorcillos*, who were Filipinos, but were entirely subject to the commands of the *alcaldes*. There was a very limited suffrage for the election of municipal officials only.

**Defects and excellencies of the Spanish system.** The weaknesses of the Spanish system of government in the Philippines were the following:

1. Lack of effective supervision; the subordinate officials of the government were too independent of the central government.

2. Slow administration of justice, and the corruption of judges.

3. Lack of an efficient civil service, with consequent favoritism.

4. An imperfect system of registration of titles to land.

5. Conflicts between the officials of the Roman Catholic Church and the government, and failure to enforce the laws.

6. The restriction of individual liberty of speech, of the freedom of the press, and of the right of association.

7. Failure to train the Filipinos in self-government.

On the other hand, the Spaniards made many good laws; they established a central government, where before there was almost anarchy; they increased commerce, introduced education and Christianity, and made civilization possible.

**The Treaty of Paris.** The Treaty of Paris between Spain and the United States became operative upon the exchange of the ratifications of the treaty on April 11,

1899. From that date the United States became legally and fully responsible for the government of the Philippines. This treaty said, among other things:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress. . . . The inhabitants of the territories over which Spain relinquishes, or cedes, her sovereignty shall be secured in the free exercise of their religion."

The reason for not determining in the treaty the civil and political rights which the Filipinos should enjoy under the government of the United States was because these rights could be granted by Congress only after it had become fully acquainted with the needs of the Islands and the condition of their people. The first form of government established by the United States in the Philippines was a temporary military government.

✕ **The military government.** The President of the United States, as commander-in-chief of the army and navy, was the sole lawgiver of the Philippines till July 1, 1902, when the act of Congress "temporarily to provide for the administration of the affairs of civil government in the Philippine Islands" was approved. It is customary in time of war for the army of occupation to regulate the civil affairs of the country till peace and civil government are established. Such a method of government is called military rule, or martial law. Military rule is monarchical in principle, because the laws proceed from the will of one man. Usually the people are not consulted, and they must obey without question. "Military necessity" is the rule by which all regulations are

made. Any personal or political right of the people may be suspended under military rule. The Commanding General in the Philippines was the actual governor of the Islands in this period, but his authority was wholly derived from the President, who directed him what to do in all the more important matters.

It is necessary also to note that, beginning September 1, 1900, the first Philippine Commission had authority to pass laws relating to the civil government of the Islands, and, further, that shortly before the inauguration of Mr. Taft as first civil governor, July 4, 1901, civil government was established in many of the provinces. Thus the period in which the President was supreme extended till July 1, 1902, but the period during which the army was supreme lasted only till September 1, 1900. On July 4, 1902, civil government was extended to the Islands as a whole.

**The instructions of McKinley.** We shall see the spirit in which the President began the task of governing the Philippines from the instructions of President McKinley to the Commanding General of the army. These instructions were made known to the Filipinos August 14, 1898. Among other things the following was said :

“The commander of the United States forces, now in possession, has instructions from his government to assure the people that he has not come to wage war upon them nor upon any party or faction among them, but to protect them, in their homes, in their employments, and in their personal and religious rights. The government established among you by the government of the United States is a government of military occupation; and for the present it is ordered that the municipal laws, such as affect

private rights of persons and property, regulate local institutions, and provide for the punishment of crime, shall be considered as continuing in force, so far as compatible with the purposes of military government, and that they be administered through ordinary tribunals substantially as before occupation; but by officials appointed by the government of occupation."

**Continuation of Spanish laws.** By force of this proclamation the Spanish laws relating to municipal or territorial law and to private rights were continued in force, and remain in force at the present day, except so far as changed by military order, act of Congress, or act of the Philippine Commission. That is to say, by the military occupation and the civil legislation since 1898, only such Spanish laws have been changed as it seemed necessary to alter.

Thus under the direction of the President, and with due consideration for the rights of the Filipinos and the system of laws under which they had lived, the military government established and organized the various departments and bureaus through which the civil government is administered in time of peace. Even the system of public schools was established under the rule of the military.

A most important act of the military government was the establishment of separate municipal governments in many of the municipalities. Although the insurrection against American rule had broken out, the Military Governor, on March 29, 1900, gave many municipalities self-government by permitting them to elect their own municipal officials.



The eager desire of both the people and the President of the United States to establish general civil government as soon as possible led to the organization of the Philippine Commission at a time when a European power would have kept the Philippines under military rule for some years longer.

## CHAPTER VII

### THE PHILIPPINE COMMISSION — ORGANIZATION AND PURPOSE

**The First Commission.** In January, 1899, President McKinley appointed the First Philippine Commission, consisting of five members, of whom Jacob Gould Schurman, President of Cornell University, was the president. The object of this Commission was not to organize a government, but to make careful inquiry into the history, resources, and political and social conditions of the Philippines and their inhabitants, and to recommend to the President a suitable form of temporary government for these Islands.

**Regulative principles of American government.** In a proclamation to the Filipinos, dated Manila, April 4, 1899, the Commission stated the "regulative principles" by which the United States would be guided in its relations with the Filipinos. These statements may be taken as the promises of the President of the United States to the Filipinos. Later they were confirmed by the approval of the Congress, so they are really the promises of the United States to the Filipinos. These principles may be stated as follows:

1. The absolute supremacy of the United States government in the Philippines.
2. "The most ample liberty of self-government reconcilable with a wise, just, stable, effective, and economical administration of public affairs, and compatible with the sovereign and international rights and obligations of the United States."

3. The protection of civil rights, equality before the law, and freedom of religion.
4. The government of the Islands for the "welfare and advancement of the Philippine people."
5. "An honest and effective civil service in which, to the fullest extent practicable, natives shall be employed."
6. Just and wisely expended taxes.
7. "A pure, speedy, and effective administration of justice."
8. The construction of good roads and other public works.
9. The improvement of commerce, trade, and agriculture.
10. The establishment of elementary and higher education.
11. Reforms that will satisfy "the well founded demands and the highest sentiments and aspirations of the Philippine people."

The Commission said of these statements, "Such is the spirit in which the United States comes to the people of the Philippine Islands."

**The Second Philippine Commission.** The Second Philippine Commission, consisting of five members, of which William H. Taft was president, was sent to the Philippines by President McKinley in 1900. The object of this Commission was to establish a form of civil government designed by the President to carry out the recommendations of the First Philippine Commission. In his instructions of April 7, 1900, to this Commission the President explains the principles which should guide the Commission in its legislation. It is of the utmost importance to understand the spirit of these instructions, as otherwise the study of the present laws of the Philippines will be of small value. Many of our laws whose meaning and object are not clear at first may be easily understood, if we grasp the purpose with which these laws were made.

**Instructions to the Second Philippine Commission.** After providing for the establishment of municipal and provincial governments, the instructions clearly state that the purpose of the United States is to establish a government in the Philippines which shall preserve the principles of liberty and law that lie at the foundation of the American system of government. The following portion of the instructions is the best statement ever made of the principles which have governed all the legislation of the Philippine Commission :

“The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers, but these general rules are to be observed: That in all cases the municipal officers who administer the local affairs of the people are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected, in any way, natives of the Islands are to be preferred, and, if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others. It will be necessary to fill some offices for the present with Americans, which after a time may be filled by natives of the Islands.

“In all the forms of government and administrative provisions which they are authorized to prescribe, the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even to their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government. At the same time the Commission should bear in

mind, and the people of the Islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and rules of government must be established and maintained in the Islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar."

These instructions close with the following words:

"A high and sacred obligation rests upon the Government of the United States to give protection of property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and protection of the United States."

September 1, 1900, the Second Philippine Commission began, in accordance with these instructions, to exercise the powers conferred upon it. From this day dates the present form of government in the Philippine Islands. The authority of the President to establish such a government rested upon his power as commander-in-chief of the army and navy. After war ceased Congress gave the President authority to continue this government in time

of peace by passing a law known as the Spooner Amendment.

**The Spooner Amendment.** This portion of an act of Congress approved March 2, 1901, gave the President the necessary authority to govern the Philippines in time of peace, except as later provided by Congress. In part it reads :

“All military, civil, and judicial powers necessary to govern the Philippine Islands shall, until otherwise provided by Congress, be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct for the establishing of civil government, and for maintaining and protecting the inhabitants of said Islands in the free enjoyment of their freedom, property, and religion.”

**General nature of the Philippine government.** The government, then, that the Commission sought to establish by its laws is a reflection of the government of the United States. It is not a *copy* of that government, nor an attempt to create a United States of the Philippines, nor even to make the Philippines a state of the United States, but it is an attempt to establish a government here that shall secure the same elements of law, liberty, and progress that have given peace and prosperity to the American people. It was the conviction of Congress, the President, and the Commission that the only kind of government that could do that for the Philippines was a representative democracy. That is the kind of government that has in part been established here. This is the only standard by which the laws of the Commission should be judged. Do these laws tend to establish in

the Philippines a representative democracy? So far as they do this they are a success; so far as they fail they must be changed to accomplish that object.

**The Composition of the Second Philippine Commission.** As first organized, the Second Philippine Commission consisted of the following members: William H. Taft, president, and Dean C. Worcester, Luke E. Wright, Henry C. Ide, and Bernard Moses.

In September, 1901, three Filipino commissioners were added: T. H. Pardo de Tavera, Benito Legarda, and José R. de Luzuriaga. Mr. Moses resigned in 1902, and James F. Smith was appointed to the vacancy on January 1, 1903. On February 1, 1904, Luke E. Wright was inaugurated Civil Governor of the Philippines in place of Mr. Taft, who retired to become Secretary of War of the United States. On February 22, 1904, W. Cameron Forbes was appointed to the Commission. On the retirement of Governor Wright in 1906, Henry Ide became Governor-General, and upon the retirement of Mr. Ide, James F. Smith succeeded to the position of Governor-General. W. Cameron Forbes became Governor-General in 1909. In 1907, W. Morgan Shuster was added to the Commission. Newton W. Gilbert, Gregorio Araneta, and Rafael Palma were added in 1908. In 1909, Juan Sumulong and Frank A. Branagan were appointed to the Commission. In 1910 Justice Charles B. Elliott of the Supreme Court was appointed to the Commission, and Mr. Gilbert became Vice-Governor-General.

The position of Vice-Governor-General has been filled

successively by Mr. Wright, Mr. Ide, Mr. Smith, Mr. Forbes, and Mr. Gilbert. The Vice-Governor-General assumes the duties of the Governor-General in the absence of the latter.

The title "Civil Governor" was changed to "Governor-General" by an act of Congress, approved February 6, 1905.

The Governor-General and the other members of the Commission are appointed by the President of the United States, with the advice and consent of the Senate. They hold office not for any definite period, but during the pleasure of the President.

**The present composition of the Philippine Commission.**  
At present the Philippine Commission is composed of the following nine executive and legislative officials:

His Excellency W. Cameron Forbes	Governor-General
The Hon. Newton W. Gilbert	Vice-Governor-General, and Secretary of Public Instruction
The Hon. Dean C. Worcester	Secretary of the Interior
The Hon. Charles B. Elliott	Secretary of Commerce and Police
The Hon. Gregorio Araneta	Secretary of Finance and Justice
The Hon. José R. de Luzuriaga	Commissioner
The Hon. Rafael Palma	Commissioner
The Hon. Juan Sumulong	Commissioner
The Hon. Frank A. Branagan	Commissioner



## CHAPTER VIII

### THE PHILIPPINE LEGISLATURE

#### I — The Philippine Commission

**The Legislature.** Beginning with the inauguration of the Philippine Assembly, October 16, 1907, the legislative powers of the Philippine government were shared equally by the Philippine Commission and the Philippine Assembly, the two legislative houses together constituting the Philippine Legislature. Strictly speaking, the authority of the Assembly to share in the lawmaking power dated from the completion of its organization, a few days after its formal opening.

An Act of Congress, known as the Philippine Act, approved July 1, 1902, defines the powers of the Legislature as follows:

“After said Assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in that part of the Islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses — the Philippine Commission and the Philippine Assembly.”

✓ **Equality of power.** Within the Christian provinces, the legislative authority of these two houses is precisely equal. Neither house can make a law of a proposed measure without the assent of the other. Either house may propose a law, but upon its passage by that house it must be submitted to the other house for approval before it becomes a law. In the event of the failure of either

house to approve a measure proposed by the other, the resolution is of no effect.

There is one exception to this rule ; for the Philippine Act provides :

“That if at the termination of any session the appropriations necessary for the support of the government shall not have been made, an amount equal to the sums appropriated in the last appropriation bill for such purposes shall be deemed to have been appropriated ; and until the legislature shall act in such behalf the treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid.”

The reason for this exception is the absolute necessity of annual appropriations of money for the support of the government. It sometimes happens that a “deadlock” occurs in a legislature composed of two branches of equal authority ; that is, a disagreement of indefinite duration arises between them, which prevents the passage of a proposed law or of any modification of the same. Many proposed acts of legislation may be indefinitely postponed in this way without serious loss to the state, such as the construction of elaborate public works, or the undertaking of new enterprises for the general development of the country. There are, however, certain necessary branches of the government, such as the police, the courts, and the executive offices, which must be maintained if the government is to exist at all. These cannot continue without money ; therefore neither house of the Legislature is to be allowed to take advantage of this necessity to force the other to adopt legislation distasteful to it, at the price of agreement on the

annual appropriation bill for the support of the government.

X **Extent of jurisdiction.** While the powers of the two houses are equal in respect to legislation affecting the territory comprised within the Christian provinces, it is provided, as stated above, that the Commission shall retain the exclusive power of legislating for the government of the Moro and other non-Christian tribes. Therefore the Moro Province and the non-Christian provinces Nueva Vizcaya, the Mountain, and Agusan remain under the control of the Commission.

One object of reserving to the Commission the legislation for the non-Christian Filipinos is to simplify the government of the Islands. The problems of governing the non-Christian provinces are entirely different from those of the Christian provinces. The Congress of the United States granted a legislative assembly to the Christian provinces because it considered them capable of taking an active and responsible share in their own government. It has not granted this privilege to the non-Christian provinces because it considers them not yet ready for self-government. The differences of customs and the hostilities between the Christian and non-Christian peoples, especially between the Christians and the Moros, would, perhaps, cause these non-Christians to regard with disfavor government by the Assembly. In fact, they have not expressed a desire to be subjected to the rule of the Assembly.

Special legislation for the non-Christian provinces has already been enacted by the Commission. Political

development is so slow in these provinces that it is not likely that there will be any great change needed in their form of government for a long period of years. There is no need, therefore, of burdening the Assembly with legislation for these provinces.

✓ **Legislative procedure of the Commission.** We have in a previous chapter considered the origin, purpose, and composition of the Philippine Commission. At a later point the executive duties of the various members of the Commission will be considered. Our present purpose is to study the legislative functions of the Commission, as the upper house of the Philippine Legislature.

The general rules followed by the Commission in its legislative work in the past have not been changed by the inauguration of the Assembly. The following explanations will therefore describe the methods by which the Commission enacted legislation from September 1, 1900, to October 16, 1907, as well as its present methods of legislation, with the difference that now the sanction of the Assembly is necessary for legalizing acts of the Commission relating to the Christian population of the Philippines.

✓ **Quorum.** The legislation of the Commission is enacted by the Commission as a whole, sitting in legislative session. A majority of the Commission, that is, five or more commissioners, constitutes a quorum, which is the minimum number of commissioners that can enact laws. The decisions of the Commission are made by a majority vote of the total number of members present, it resulting that even three members may reach a decision.

✓ **Acts and resolutions.** The legislation of the Commission, and also of the Assembly, is divided into two classes, called respectively *acts* and *resolutions*. Both the acts and the resolutions have the force of law, but the acts are of a general nature, applying usually to a wide range of persons or facts, and are of permanent significance. The resolutions, on the other hand, usually relate to special matters, often affecting only a few persons, or even an individual only; or a resolution may be of a general nature but of only temporary significance, as, for example, the appointment of a special day as a holiday for that date only.

The acts of the Commission are a part of the statute law of the Islands and are of permanent application, unless repealed or amended; while the resolutions, for the most part, meet temporary needs. A resolution is frequently passed to interpret an act when its practical operation creates doubt as to the purpose of the Commission.

**Executive and public sessions.** The Commission holds executive sessions for the passage of laws, and occasional public sessions for the public discussion of laws of importance. The object of public sessions is to give the people a chance to express their opinion about matters of great public interest, such as the Public Land Act, and other matters on which the Commission wishes the advice and criticism of the public.

**Drafting of laws.** The executive sessions of the Commission are held for the purpose of discussing, enacting, amending, or repealing laws, but not to prepare or draft

laws. The original preparation of a law for action by the Commission is usually made by committees of the Commission. *Standing committees* are appointed from members of the Commission only, but *special committees* to draft and recommend laws are composed of members of the Commission and other persons. These committees make investigations and report the results with their recommendations for legislation. The actual law, or resolution, is then drafted, usually by individual members of the Commission, or by the chiefs of bureaus.

**The passage of a bill.** The law, or "bill," as it is called before it becomes a law, is read in the presence of the Commission, and then passed or rejected by a majority vote of the members present. This is the "short method" of passing a law. The more important bills are enacted much more slowly. In the case of bills upon which public sessions are to be held the proposed law is first translated into Spanish and copies are printed in English and Spanish for distribution to the public, so that it may discuss the bill intelligently.

All laws passed by the Philippine Commission, and the same is true of the acts of the Assembly, are enacted by authority of the United States, that is by the authority of Congress; since Congress "reserves the power and authority to annul the same."

The laws of the Commission become operative from the date of their enactment and publication, if no other date is fixed; that is, such laws as do not require the approval of the Philippine Assembly. Such acts of the Commission state in the act when and how they shall

take effect. An act of the Commission that was not published would not be a law.

In the interpretation of the laws passed by the Legislature, the English text of the law governs the meaning, except where obvious errors of language exist.

The acts of the Commission and the acts of the Legislature as a whole, together with important resolutions of either house, are published in the Official Gazette. This publication appears weekly in both English and Spanish and contains, besides the acts and resolutions of the Legislature, the executive orders of the Governor-General, the decisions of the Supreme Court, and other important official information. The Official Gazette is edited by the Reporter of the Supreme Court.

## II — The Philippine Assembly

**Condition of establishment.** The law establishing the Philippine Assembly is contained in Section 7 of the "Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands and for other purposes," approved by the President, July 1, 1902. No law of greater importance to the development of representative government in the Philippines was ever passed. The condition on which the Assembly was granted to the Philippines was that complete peace should have existed for a period of two years from the publication of the Philippine Census of 1903 (published in 1905). The law stated:

"That two years after the completion and publication of the census, in case such condition of general and complete peace with

recognition of the authority of the United States shall have continued in the territory of said islands not inhabited by Moros or other non-Christian tribes and such facts have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people in said territory in the Philippine Islands, which shall be known as the Philippine Assembly."

In accordance with this law an election for delegates to the First Philippine Assembly was held in the Christian provinces on the 30th of July, 1907.

**Apportionment of delegates.** The law governing the number and distribution of the delegates is as follows:

"Said Assembly shall consist of not less than fifty nor more than one hundred members, to be apportioned by said Commission among the provinces as nearly as practicable according to population: Provided that no province shall have less than one member: And provided further that provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best."

The Commission has divided the provinces into eighty-one election districts, each of which is entitled to elect one delegate to the Assembly. The rule of apportionment is that each province shall have at least one delegate, and if its population is more than 90,000 it shall have one delegate for every 90,000 inhabitants, and one delegate for every major fraction of 90,000 remaining. For example, a province with 134,000 inhabitants would have one delegate, while one with 136,000 inhabitants would have two.



The apportionment of delegates to the Philippine Assembly is as follows:

Albay . . . . .	three	Leyte . . . . .	four
Ambos Camarines . . . . .	three	Manila . . . . .	two
Antique . . . . .	one	Mindoro . . . . .	one
Bataan . . . . .	one	Misamis . . . . .	two
Batanes . . . . .	one	Nueva Ecija . . . . .	one
Batangas . . . . .	three	Occidental Negros . . . . .	three
Bohol . . . . .	three	Oriental Negros . . . . .	two
Bulacan . . . . .	two	Palawan . . . . .	one
Cagayan . . . . .	two	Pampanga . . . . .	two
Capiz . . . . .	three	Pangasinan . . . . .	five
Cavite . . . . .	one	Rizal . . . . .	two
Cebu . . . . .	seven	Samar . . . . .	three
Ilocos Norte . . . . .	two	Sorsogon . . . . .	two
Ilocos Sur . . . . .	three	Surigao . . . . .	one
Iloilo . . . . .	five	Tarlac . . . . .	two
Isabela . . . . .	one	Tayabas . . . . .	two
La Laguna . . . . .	two	Zambales . . . . .	one
La Union . . . . .	two		

By Act No. 1952 the Province of Batanes was established. It consists of all the islands of the Philippine Archipelago situated north of the Balingtang Channel, and elects one delegate.

It will be seen that Manila is reckoned as a province in the apportionment and election of delegates to the Assembly. It will also be noticed that thirty-one delegates, or nearly half, are from the Bisayan islands, and that Luzon furnishes forty-four delegates, or a little more than half. In case of change in the boundaries of provinces or the creation of new provinces, the apportionment of delegates would be readjusted in the provinces affected by the change.

**Election of delegates.** The rules that govern the

conduct of elections to the Assembly will be found in Chapter XI. All municipal electors are qualified to vote for assemblymen. Any qualified elector of an election district who is twenty-five years or more of age, is entitled to offer himself as a candidate for election from his district to the Assembly. The present members of the Philippine Assembly will hold office till October 16, 1912, and their successors will be elected in 1912 and every fourth year thereafter, and will hold office for four years, beginning with the 16th day of October next after their election.

**Sessions of the Legislature.** The annual session of the Legislature begins on the 16th day of October, unless this day is a legal holiday, in which case it begins on the next following day which is not a legal holiday. The Legislature may be called in special session at any time by the Governor-General for general legislation, or for such action on such specific subjects as he may determine. No special sessions shall continue longer than thirty days, exclusive of Sundays.

By act of Congress the Legislature is authorized to fix the date for its regular sessions.

**Methods of procedure.** The Assembly itself determines whether its members have been properly elected, chooses its officers, and adopts such rules as it sees fit for the conduct of its business. At the opening of the First Assembly it adopted temporarily the rules of order of the House of Representatives. The law establishing the Assembly defines the following particulars regarding the conduct of its business :

"The Assembly shall be the judge of the elections, returns, and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds expel a member. It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one fifth of those present, be entered on the journal."

**Commissioners to the United States.** The only further provision of the law constituting the Assembly is its authorization by Congress to choose and send to the United States, in conjunction with the Philippine Commission, two commissioners who shall represent the interests of the Philippines at the seat of the federal government at Washington. The conditions that govern the selection of these commissioners are: That the Philippine Legislature shall choose, each house voting separately, two resident commissioners. It is provided by act of Congress that the term of office of these resident commissioners shall be four years, and that the present commissioners, Benito Legarda and Manuel Quezon, shall continue in office till their successors are duly elected. The present commissioners will hold office till March 4, 1913. At the regular session, beginning in 1912, and quadrennially thereafter, the Philippine Legislature will elect two resident commissioners to the United States, each of whom will hold office for four years from the fourth day of March next following his election.

**Freedom of delegates from arrest.** Act 1582 of the Philippine Commission contains the following provision :

“Members of the Philippine Legislature, in all cases except treason, breach of the peace, and felony, which for the purposes of this act shall be considered a crime punishable by death or imprisonment for four years or more, shall be privileged from arrest during their attendance at the session of the Legislature, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.”

This exemption from arrest and from questioning applies equally to members of the Commission and delegates to the Assembly. Its object is to encourage members of the Legislature to express their true opinions respecting the affairs of the country. The enmities of political parties might otherwise cause legislators to be charged with petty crimes, arrested, and so prevented from attending to the necessary legislation for the country.

**Compensation of delegates.** Act 1582 declares that:

“Unless otherwise provided by law, each delegate shall receive twenty pesos per day for each day of actual sitting of the Assembly and shall also receive his actual and necessary expenses for transportation and subsistence en route of himself only, from his residence to Manila and return, once for each session which he actually attends. No other compensation or expenses shall be paid to any delegate.”

At its first session the Legislature increased the compensation of the Speaker to 16,000 pesos annually, and that of the delegates to 30 pesos per day.

It is further forbidden to any delegate to hold any other office under the government of the Philippine Islands while he is a delegate. The object of this restriction is to prevent any delegate from taking advantage of his position as delegate to benefit himself as an officeholder, as, for example, by voting for an increase of salary in that office. A delegate is not, however, forbidden to have a private business or occupation aside from his work as a delegate.

**The work of a delegate.** It is proper to consider the nature of the duties that belong to a delegate to the Assembly, and the spirit in which he should undertake them, for any qualified elector of the Philippines may some day occupy a seat in the Assembly, and all citizens should understand what the people have a right to expect of their representatives.

It should be noted that the delegate is first of all a *representative of the people*, not only of those who have elected him to office but also of the entire citizen body of the Philippines. He is usually elected on a "platform," or declaration of principles by his political party, which declares for what laws and for what ends he will use his legislative power. He is strictly responsible to the people who elected him for the fulfillment of his ante-election promises. It is not uncommon for promises made in political platforms to be forgotten or disregarded after a candidate has been elected to office. The constituents of an assemblyman may punish such conduct on his part by refusing to reelect him.

After his election, a delegate should continue to consult

the opinion of the electors of his district and should try by every reasonable means to discover and perform their will. The greatest betrayal of trust of which a delegate can be guilty is to follow his own private interest instead of that of the people who elected him.

A delegate to the Assembly, while he represents the district which elected him, is required to legislate not merely on matters which concern his district only but for all the Christian provinces of the Philippines. A frequent fault in the representative of a democracy is that of trying to secure from the legislature benefits for his own district even at the expense of other parts of the country. His first duty as a patriot is to his country as a whole. No one properly fills the position of delegate whose political platform or constituents require him to set the demands of his particular district above those of his country.

**Party loyalty.** While it may be well for a delegate in most matters to vote with the political party to which he belongs, he should not sacrifice the common good or his political honesty to the welfare of his party. Laws are too frequently passed in the best of democratic legislatures whose object is the strengthening of a political party at the cost of the country as a whole. Political parties, as we have seen, have no legal standing, and their purpose should be to secure good government, not to wield the power of the government for a party organization.

**Statesmanship.** Lastly, the delegate to the Assembly should act like a *statesman*. Foresight for the

*distant* future of his country is the chief characteristic of a statesman. All national legislators should be men who can look far ahead into the future of their country.

The municipal councilor is engaged in making regulations principally for the immediate needs of his municipality. He is not so much concerned with the distant future as is the assemblyman; the latter should aim to be a statesman. He should inquire not merely what the immediate effect of a proposed law will be on the condition of himself, his district, or even his country, but what its ultimate effect will be. Each law should be considered as a part of a great general plan that his country is carrying out, and should be framed in harmony with that plan. It would not, for example, be right for a delegate to vote hastily in favor of borrowing large sums of money for national use. Great public needs can be quickly met by burdening a country with a heavy debt. The present generation may gain from this, but their descendants have to pay the debt, although they perhaps have not enjoyed the use of the borrowed money. The patriotic statesman always remembers that he is building for future generations as well as governing that of today.

**The First Philippine Assembly.** A special interest will always attach to the First Philippine Assembly because its establishment marked the partial attainment of an ideal which thousands of Filipinos have died seeking. It is true that from 1810 to 1837 the Philippines enjoyed a limited representation in the national Cortes of Spain, but the deputies from the

Philippines to the Cortes were not elected by popular vote, and they exercised very little influence upon the legislation for the Islands.

With the creation of the Philippine Assembly the Christian Filipinos received the largest measure of self-government they have ever enjoyed. On the 16th of October, 1907, the Secretary of War, William H. Taft, formally opened the First Philippine Assembly at the Manila Grand Opera House. In his speech on this occasion Mr. Taft defined the office of a legislature and the chief duty of a delegate to the Assembly as follows:

"I venture to point out a number of things that you will learn in the course of your legislative experience. One is that the real object of a legislature is to formulate specific laws to accomplish specific purposes and reforms and to suppress specific evils; that he makes a useful speech who studies the question which he discusses, and acquires and imparts practical information by which the remedies offered can be seen to be applicable to the evil complained of; that the office of a legislator for a great country like this is one that can be discharged conscientiously only by the use of great labor, careful, painstaking investigation, and hard work in the preparation of proposed measures . . . In the end the man who exerts the most influence in this body and among the people will be the man who devotes most conscientiously his time to acquiring the information upon which legislation should be based and in explaining it to his colleagues and his people."

In his closing words Mr. Taft pointed out the possibilities of the Assembly both for success and failure, as follows:

"As you shall conduct your proceedings and shape your legislation on patriotic, intelligent, conservative, and useful lines, you



will show more emphatically than in any other way your right and capacity to take part in the government and the wisdom of granting to your Assembly and to the people that elected you more power. There are still many possible intervals or steps between the power you now exercise and complete autonomy. Will this Assembly and its successors manifest such an interest in the welfare of the people and such clear-headed comprehension of their sworn duty as to call for a greater extension of political power to this body and to the people whose representative it is? Or shall it by neglect, obstruction, and absence of useful service make it necessary to take away its existing powers on the ground that they have been prematurely granted? Upon you falls the heavy responsibility. I am sure that you will meet it with earnestness, courage, and credit."

**Organization of the First Assembly.** The First Philippine Assembly chose as its *Speaker*, or President, Sergio Osmeña, delegate from Cebu. The Speaker of the Assembly has great power, greater on the whole than that of any officer of the government, except the Governor-General. It is in his power, by the choice of those who shall serve on the various committees, by his control of the speakers who address the Assembly, and by other means, to exercise a very great influence upon the course of legislation.

The work of the Assembly is largely done by committees, which investigate subjects of legislation and make recommendations to the Assembly as to the proper legislation. The standing committees are those to which specific legislation is referred for consideration. The variety of subjects upon which legislation takes place may be understood from the following list of the principal standing committees:

Elections; Rules; Appropriations; Law; Public Instruction; Public Works; Police; Health and Sanitation; Agriculture; Commerce and Industry; Banks and Currency; Patents; Mines and Public Lands; Forestry; Navigation; Posts; Railways; Provincial and Municipal Affairs; Accounts and Expenditures of the Assembly; Compilation and Codification of Laws; City of Manila; International Relations (including relations with the United States); and the following joint committees, which meet with committees of the Commission: Library and Printing; Proposed Laws; and Committee on the City of Manila.

**The message of the Governor-General.** One of the annual duties of the President of the United States is to transmit to Congress at its opening a message reviewing the progress of the country and pointing out its needs. In the Philippines this duty was performed before the First Philippine Assembly by Governor-General James F. Smith. The conclusion of this message reads as follows:

"Today 80 assemblymen, elected by popular vote at the general elections held on the 30th day of July of this year, assume their part in the affairs of government, and upon them now devolves a stewardship of which a rigid accounting will be exacted by history, by their own people, and by other peoples struggling to take their part in the onward march of civilization. The service rendered by Filipino officials, whatever their office and wherever employed, has been of the most pronounced benefit and advantage to the land of their birth. That which is to be rendered and will be rendered by the Philippine Assembly cannot be measured. On the Philippine Assembly more than on any other branch of the Philippine Government, depends the future of the Philippine Islands, and on the energy, the earnestness, the devotion to duty, the self-sacrifice, the unselfishness, and above all things, the entire conservatism and sane judgment of its members,

depends the realization of the hopes and the ideals of the Philippine people. If this Assembly fails of its purpose, the Filipino people who have looked to it to demonstrate their capacity to legislate wisely and well will have just reason to regret that the high privilege of participating in the making of the laws to govern them was ever conceded. If on the other hand success attends it and, all the circumstances considered, the product of its labors compares not unfavorably with that of other legislative bodies, no names will shine brighter on the pages of Philippine history than those of the members of the First Philippine Assembly."

**Delegates to the First Philippine Assembly.** The following is the list of the 80 delegates whom the Philippine electorate chose in 1907 to represent it in the First Philippine Assembly:

Albay. — Tomás Almonte; Carlos A. Imperial; Angel Roco.  
Ambos Camarines. — Tomás Aréjola; Manuel Rey; Francisco Alvarez.

Antique. — Pedro V. Jiménez.

Bataan. — José M. Lerma.

Batangas. — Felipe Agoncillo; Eusebio Orense; Gregorio Catigbac.

Bohol. — Candelario Borja; José Clarín; Eutiquio Boylés.

Bulacan. — Aguedo Velarde; Leon M. Guerrero.

Cagayan. — Pablo Guzmán; Gabriel Lasam.

Capiz. — Eugenio Picazo; José Altavás; Simeón Mobo.

Cavite. — Rafael Palma.

Cebu. — Celestino Rodríguez; Sergio Osmeña; Filemón Sotto; Alejandro Ruiz; Troadio Galicano; Casiano Causing; Pedro Rodríguez.

Ilocos Norte. — Irineo Javier; Baldomero Pobre.

Ilocos Sur. — Vicente Singson y Encarnación; Maximino Mina; Juan Villamor.

Iloilo. — Amando Avanceña; Nicolás Jalandoni; Salvador Laguda; Adriano Hernández; Regino Dorillo.

Isabela. — Nicasio P. Claravall (unseated by the Assembly).

La Laguna. — Pedro A. Paterno; Crispín Oben.

La Union. — Andrés Asprer; Francisco Sandueta.

Leyte. — Quiremón Alkuino; Salvador K. Demetrio; Florentino Peñaranda; Jaime C. de Veyra.

Manila. — Dominador Gómez (unseated by the Assembly); Fernando Ma. Guerrero.

Mindoro. — Macario Adriático.

Misamis. — Carlos Corrales; Manuel Corrales.

Nueva Ecija. — Isauro Gabaldón.

Occidental Negros. — Antonio Jayme; Dionisio Mapa; Agustín Montilla.

Oriental Negros. — Leopoldo Rovira; Vicente Locsin y Armada.

Palawan. — Santiago Paterno.

Pampanga. — Mónico Mercado; Marcelino Aguas.

Pangasinan. — Nicanor Padilla; Deogracias Reyes; Juan Alvear; Lorenzo Fenoy; Matías Gonzáles.

Rizal. — Cayetano Lukbán y Rilles; Bartolomé Revilla y San José.

Samar. — Honorio Rosales; Luciano Sinko; Eugenio Daza.

Sorsogon. — Vicente de Vera; Presbítero Pedro Chaves.

Surigao. — Francisco Soriano.

Tarlac. — Melecio Cojuanco; Aurelio Pineda.

Tayabas. — Manuel Quezon; Emiliano Gala.

Zambales. — Alberto Barretto.

**First joint resolution of the Legislature.** The first joint resolution of the Philippine Legislature, that is, the first resolution passed by the Commission and Assembly deliberating in joint session, was a message to the President of the United States, Theodore Roosevelt, expressing the gratitude of the Legislature and of the people of the Philippines for the establishment of the Assembly. In part it is as follows:

"Whereas the creation of the Philippine Assembly composed of members elected by popular vote and the constitution of the Philippine Legislature, comprising the Philippine Commission and the Philippine Assembly, mark an epoch in the history of the Philippine Islands and of the people thereof ; and

"Whereas, the people of the Philippine Islands fully recognize in the action taken by the Government of the United States in creating said Assembly a proof of its confidence in said people as well as a continuation of the democratic traditions of said government, and a clear demonstration of its liberal intentions with respect to the people of the Philippine Islands :

"Now, therefore, be it resolved by the Philippine Commission and the Philippine Assembly : That on their own behalf and on behalf of the people of the Philippine Islands they convey to the President of the United States, and through him to the Congress and the people of the United States, their profound sentiments of gratitude and high appreciation of the signal concession made to the people of the Islands of participating directly in the making of the laws which shall govern them."

In reply to the above joint resolution President Roosevelt sent a cable message expressing his thanks and his gratification at the opening of the Assembly. In closing he said :

"The future of the Filipino people depends in a great measure on your good judgment, restraint, and capacity to subordinate all personal interests and differences to the interests of your country as a whole. I not only hope but believe that you will be found ever true to the honorable responsibility which has become yours."

**The first act.** The first act of the Legislature was a law appropriating 1,000,000 pesos for the construction of barrio schoolhouses.

## CHAPTER IX

### THE EXECUTIVE DEPARTMENTS

**Executive duties of the Governor-General.** The Governor-General is the chief executive of the Philippine Islands. He is responsible for the proper execution of the laws passed by the Philippine Legislature. It is his duty to see that these laws are promulgated throughout the Islands and are properly administered by the officers of the insular, provincial, and municipal governments. Most of his orders are transmitted through the Executive Bureau, which is under his special supervision. The Governor-General is also the executive head of the Bureau of Civil Service and the Bureau of Audits. These three bureaus are placed under his immediate direction because they are the bureaus whose operations extend most widely through the Philippine Islands.

The government of the city of Manila is also under the executive direction of the Governor-General. In addition, the Governor-General may issue executive orders, within the limitations of the law, affecting any branch of the public service.

An occasional duty of the Governor-General is to issue proclamations on behalf of the President of the United States, on behalf of Congress, or on his own authority in the exercise of his duties.

**Division of executive duties.** The executive work of the commissioners is quite as important as their legislative duties. It is broadly grouped into four divisions, known as the four executive departments.

Each of the executive departments is in charge of a commissioner who in this capacity is known as the *secretary* of that department.

The object of dividing the executive duties of the government into these four departments is to economize the time and strength of the executive officers by a systematic arrangement of the executive business of the government, and to fix the responsibility for the execution of the laws. The number of departments is purely a matter of convenience. As need arises the number might be increased or decreased. All governments divide their executive work in a similar way, though the number of departments varies in different countries.

**The four executive departments.** The four great executive departments are the Department of the Interior, the Department of Commerce and Police, the Department of Finance and Justice, and the Department of Public Instruction. These departments are divided into bureaus, and the bureaus, in some cases, into divisions. There may be a further subdivision into offices, or other branches of the public service. There are at present twenty-two bureaus of the insular government besides two "offices" similar to bureaus. It is through these bureaus that the actual administration of the affairs of the government is performed. Their chiefs and assistant chiefs administer the laws and come into direct contact with the people.

**The grouping of bureaus.** The present assignment of bureaus to the executive departments is as follows:

The Department of the Interior includes the bureaus

of Health, Lands, Science, Forestry, Quarantine Service, and the Weather Bureau.

The Department of Commerce and Police includes the bureaus of Constabulary, Public Works, Navigation, Posts, Labor, and Coast and Geodetic Survey; also the offices of the Supervising Railway Expert and of the Consulting Architect.

The Department of Finance and Justice includes the bureaus of Justice, Customs, Internal Revenue, and the Treasury.

The Department of Public Instruction includes the bureaus of Education, Supply, Prisons, Printing, and Agriculture.

It sometimes happens that in the absence or illness of a secretary, or during a vacancy in his office, his place must be filled by another. The law provides that in such cases the Governor-General shall discharge the duties of the office, or authorize some other person to do so.

**Duties of the secretaries.** The business of the secretary of an executive department is to plan the general policy of his department. One of his most important duties is to construe the meaning of the laws that relate to his department. After a law is made its exact meaning is not always clear, nor is it always plain to what persons and conditions it applies. The decision as to what a law means is its *interpretation*; the determination of its application may be called its *construction*. If any officer of the government is in serious doubt as to the interpretation or construction of the laws he may apply to the Attorney-General of the insular government,



a part of whose duties is to answer questions regarding the meaning and effect of the laws. In most cases, however, the secretaries interpret and apply the law according to their best judgment. This results in their issuing many *administrative orders*; that is to say, additional commands necessary for the proper execution of the laws. The decisions and orders of the executive secretaries in such cases may be called subordinate legislation, or administrative legislation, because their decisions have the effect of laws in the direction of minor matters.

The importance of this administrative legislation is very often overlooked. Two successive secretaries may administer the affairs of the same department in very different ways, though both act under the same laws. Even when they interpret and construe the law in the same way, they may differ very much in the methods by which they apply the law. Thus a great deal of power is entrusted to these secretaries. All their acts are subject to review by the Governor-General, who is *ex-officio* (that is, by virtue of his office) the head of all the departments, but the success or failure of their administration depends chiefly upon the secretaries themselves. No matter how good the laws, or how numerous, an inefficient administrator of the laws will fail to carry out their purpose. Many people cannot see the difference between a government that is perfect on paper and one that is perfect in practice. They imagine that good laws make a good government, whereas it is rather the men who administer the laws that make a government

successful. It is possible to plan an almost perfect government, and to pass laws that seem to provide for complete protection and justice to the people, but the final value of the government and the laws is determined by the character and ability of the men who administer them.

The secretaries of the executive departments receive the reports, inquiries, and recommendations of their bureau chiefs and act upon them. They stand between the bureaus and the Commission as a whole. Each of them is the medium through which the Commission receives information of the progress and needs of the various bureaus of his department.

**Special executive divisions.** In addition to the bureaus mentioned several of the departments have special matters within their supervision. The Department of the Interior has oversight of the fisheries and of the non-Christian tribes, except the Moros. It is the duty of the Secretary of the Interior to visit these tribes from time to time and to recommend legislation concerning them.

The Department of Commerce and Police supervises all business corporations, except banks. The power and wealth of great business corporations makes special laws necessary for their control, and special measures must be taken to control their operations lest they become a danger to the state.

The Department of Finance and Justice, in addition to its other duties, has the supervision of the banks, and of the coinage and currency.

The explanation of the work of the several bureaus demands a separate chapter.

## CHAPTER X

### THE BUREAUS OF THE INSULAR GOVERNMENT

**The Executive Bureau.** In some respects the Executive Bureau is the most important of the bureaus, for through this bureau the Governor-General exercises the control belonging to the central government over the provincial and municipal governments, including the city of Manila.

The Executive Secretary is the official through whom the correspondence of the Philippine government with the United States and with foreign governments is carried on. Two of the important divisions of the Executive Bureau are the Division of Translation and the Records Division. In the former are translated all the official documents of the government that require translation. In the latter the records of the official correspondence of the heads of the executive departments are kept. A third division of great importance is the Division of Archives, Patents, Copyrights, and Trademarks.

**Appointment of bureau chiefs.** The Executive Secretary is appointed by the Governor-General with the consent of the Commission. The chiefs of all the other bureaus are appointed in the same way, except the Insular Auditor and the Insular Treasurer. These officials are appointed by the Secretary of War of the United States, with the concurrence of the Governor-General and the approval of the Philippine Commission.

**The Bureau of Civil Service.** The object of the Civil

Service rules is to secure for the service of the government a class of employees of upright character and good qualifications for their special work. Without some system of appointment to the government service based on the merits of the candidates, many positions would be filled by the favorites of those in power. Inferior men would receive appointment and promotion, and deserving men would fail of appointment unless they possessed personal or political friends among the appointing officials.

The Bureau of Civil Service examines candidates for government employ. It inquires into their character, health, education, and experience. It sees that the regulations governing their hours of work, their leaves of absence, their pay, and their promotion are observed. Those who are in the classified civil service may not be dismissed, except for good cause and after a formal investigation. Thus the Bureau of Civil Service not only protects the government against incapable and unworthy employees, but protects the employee against the prejudice or injustice of his superior.

**The Bureau of Health.** The object of the Bureau of Health is to protect the public health of the Islands. It is not its duty to care for the health of individuals, unless their condition affects the health of all the people. The Bureau of Health takes measures to prevent the spread of epidemic diseases, like smallpox, over the Islands. It studies the causes and cure of diseases of this sort, whether they affect man or beast, and spreads information among the people about the

best means of guarding against such diseases. It is probable that each year the Bureau of Health saves some thousands of lives in the Philippines that otherwise would be lost.

The Bureau of Health has the direction of the public hospitals of the government, including the Philippine General Hospital at Manila, the hospital at Baguio, Benguet, and the prison hospitals in Manila and elsewhere. Besides these duties it has the supervision of the provincial and municipal boards of health throughout the Philippines.

The Bureau of Health may make such regulations as seem best to prevent the spread of disease from place to place within the Islands. No bureau is more far-reaching or of more general interest to Filipinos than the Bureau of Health. Ignorant people often try to defeat the aims of this bureau by concealing information about epidemic diseases and violating the sanitary regulations. The state has no worse enemies than such people. They endanger not only their own health and lives but also the health and lives of others.

**The Bureau of Lands.** The Bureau of Lands has charge of the survey, sale, leasing, and homesteading of the public lands of the Philippine Islands, except those lands which are under the control of the Bureau of Forestry. The public lands of the Philippines have never been fully surveyed; therefore the work of this bureau is of the utmost importance for the perfecting of titles to lands and for the encouragement of people to settle on the lands of the government.

**The Bureau of Science.** The object of the Bureau of Science is to secure and spread information respecting a great variety of matters which require scientific investigation. This bureau includes the Biological Laboratory, the Division of Mines, and the Division of Ethnology. In the Biological Laboratory the natural products of the Philippines, agricultural, mineral, etc., are examined with a view to determining their value for medicinal, industrial, or commercial purposes, as well as for purely scientific ends. All progressive governments carry on work of this kind. While such work is expensive and in many cases seems to bring no direct return to the people, experience has shown that in the end these investigations return millions to the pockets of the taxpayers in the prevention of disease, the discovery of improved methods of production, and the development of new industries.

The Division of Mines surveys the mineral lands of the Philippines, and determines the location of the valuable minerals. It makes the work of the prospector and the miner easier and more profitable, thus contributing to the development of the mineral riches of the country.

The Division of Ethnology conducts researches into the origin, distribution, habits, and customs of the wild tribes of the Philippines. These mountain and forest dwellers, like children, are unable to think wisely for themselves in matters of government. The business of the Division of Ethnology is to ascertain the facts that will enable the lawmakers of the Philippines to govern these wild people for their best interests.

**The Bureau of Agriculture.** Few bureaus are of greater immediate importance to the Filipinos than the Bureau of Agriculture. This bureau investigates the best methods of growing the food plants of the Philippines, introduces new varieties into the Islands, and spreads information regarding all facts of value to the farmer. It distributes seeds and young plants, freely or at small cost. In several places it conducts experimental farms, and at times it gives exhibitions of the proper use of improved forms of agricultural machinery. It also studies the causes and prevention of disease among farm animals.

The work of the Bureau of Agriculture could not be done by the private farmer. This bureau gathers for the information of all the farmers the results of the experience of the most successful farmers in all parts of the Philippines.

**The Bureau of Forestry.** One of the greatest natural resources of the Philippines is its immense and valuable forests. It is estimated that half of the surface of these Islands is covered with forests. Very little use has been made of these forests. The work of the Bureau of Forestry is to determine the location, number, and classification of the trees which furnish the useful building woods of the Islands.

This bureau takes measures for the protection of the public forests from fires, and from destruction by private persons. It regulates the giving of licenses for the cutting of timber, and thus makes the forests pay a revenue to the people. For a period of ten years from

April 18, 1910, any resident of the Philippines may take from the public forests, without license and free of charge, such timber, other than timber of the first group, and such other forest products, as well as stone and earth, as he may need for his personal use or that of his family. Provision is also made whereby any citizen of the Philippine Islands may secure free license to cut materials of the first group to construct a building or buildings of strong material for his personal use.

**The Bureau of Quarantine Service.** The work of this bureau is to guard the Islands against the introduction of epidemic diseases from foreign countries. It inspects the ships and passengers arriving from other lands, and makes the necessary regulations to place in quarantine ships which come from ports infected with contagious disease. To "quarantine" is to shut off from communication with others for a certain length of time persons or ships arriving from places infected with contagious diseases. The quarantine regulations are often very inconvenient and expensive for merchants and travelers, but they are absolutely necessary for the preservation of the public health.

**The Weather Bureau.** This bureau gathers and publishes daily reports respecting the weather. For the benefit of the public, especially of the farmer and the sailor, it predicts the coming of typhoons and rains. It also keeps a scientific record of the winds, rainfall, temperature, and other matters relating to the weather of the Islands.

**The Bureau of Constabulary.** The Constabulary is



not an army, but an insular police force. Its object is to preserve order in time of peace. The United States Army, of which the Filipino Scouts are a part, serves to protect the Islands against invasion and serious internal revolts. While the Constabulary may assist in this work, it is very important both for the people and the members of the Constabulary to remember that it is a peace organization, established to assist in maintaining civil government and not to usurp its authority.

In highly civilized countries the local police are sufficiently strong to maintain order in times of peace and there is no necessity for large bodies of police administered by the central government, but the many years of war in the Philippines and the predatory habits of Filipino bandits make such an organization necessary in these Islands. Patience on the part of both the people and the Constabulary is necessary for the efficiency of such a force. Experience shows that there is great danger of arbitrary abuse of the weak by such a body of military police. This danger may be avoided by respect of the people for the law, and consideration by the police for the rights of the people.

**The Bureau of Public Works.** The Bureau of Public Works has charge of the plans and construction of all public buildings, insular, provincial, and municipal. It also supervises the construction and repair of provincial roads and bridges. It directs some of the river and harbor improvements of the insular government and inspects such work when done by private contractors.

The *district engineers* are under the supervision of

the Bureau of Public Works. Each of these engineers has charge of a district composed of one or more provinces and has the direction of the public works undertaken at the expense of the province. The district engineers perform most of the work formerly done by the provincial supervisors, but they are insular, not provincial, officers.

**The Bureau of Navigation.** This bureau has charge of all the ships and steamers and similar property of the insular, provincial, and municipal governments. The Bureau of Navigation performs the services formerly rendered by the Bureau of Coast Guard and Transportation. Under its work comes the transportation of certain classes of goods and passengers belonging to the public service. The coast-guard steamers are operated by this bureau, and the Port Works are supervised by it. This bureau administers the lighthouse service, including the placing of buoys. Under American rule the number of lighthouses in the Philippines has trebled.

The Bureau of Navigation also has charge of all river and harbor improvements and other port works on navigable waters.

**The Bureau of Posts.** The services of this bureau are so clearly valuable that they need little justification. In addition to the mail service, the Bureau of Posts has the management of the telegraph and telephone lines of the government and of the Postal Savings Bank. The chief value of this bureau to the state is that it increases the social, political, and commercial unity of the people by making communication frequent and cheap. The services which the government performs through the

Bureau of Posts could be performed by private business corporations, but would be done at a much greater cost to the people.

**The Bureau of Coast and Geodetic Survey.** This bureau is administered under the direction of the Coast and Geodetic Survey of the United States. It maintains parties of skilled scientists who are engaged in charting the coasts and seas of the Philippines. This sort of work would not be profitable for private enterprise, but is of the greatest value to commerce.

**The Bureau of Justice.** The courts of justice of the Islands are under the control of the Bureau of Justice. The head of this bureau is called the Attorney-General. The Attorney-General is the legal adviser of the insular government. It is also his duty to prosecute before the Supreme Court all civil and criminal causes to which the United States or the Philippine governments, or any of their officers, are parties.

The Solicitor-General performs the duties of the Attorney-General when the latter is absent, and usually has charge of the conduct of suits and appeals of the Philippine government before the Supreme Court.

**The Bureau of Audits.** One of the most difficult tasks of a government is to keep accurate accounts of the expenditures of the public moneys. The number of men who collect and expend the money of the people is so great that many precautions are necessary to avoid the loss of this money by carelessness or theft. The duty of the Bureau of Audits is to make regular examinations, or audits, of the accounts of the receipts, appropriations,

and expenditures of the insular, provincial, and municipal governments. All officers of the government who have the custody of any of the money or other property of the government are responsible to the Bureau of Audits for the correctness of their accounts.

The Auditor's office is thus the "watchdog of the treasury." The Auditor is given the power, within certain legal limits, to approve or disapprove the expenditure of the government's money. It is his business to determine the exact meanings of the laws authorizing the expenditure of public money. His task is thus one of great responsibility. In matters relating to the expenditure of money he is the most powerful official of the government. Not even the salary of the Governor-General may be paid without the approval of the Auditor. The *district auditors* are officers of the Bureau of Audits who travel over the Islands examining the accounts of government officials who collect or expend the money of the government.

**The Bureau of Customs.** This bureau collects the authorized taxes upon goods entering or leaving the Philippine Islands. Only certain ports of the Philippines may be used for the entry and departure of ships engaged in foreign trade. At such places, called "ports of entry," there are custom-houses, to collect the "customs" or "duties," as taxes on imported or exported goods are called.

The Bureau of Customs also supervises immigration into the Philippines. There are various laws to protect the state from the immigration of undesirable persons

such as the diseased, the criminal, and the dependent classes, as well as to exclude Chinese coolies. It is the duty of the Bureau of Customs to enforce these laws.

**The Bureau of Internal Revenue.** The business of the Bureau of Internal Revenue is to collect the taxes which the general government imposes on the products and industries of the Philippines. More will be said about the work of this bureau in Chapter XVII, on "Taxation and Taxes."

**The Bureau of the Treasury.** As its name shows, this bureau receives and disburses the moneys of the government. The Bureau of the Treasury also has charge of the Philippine currency. "Currency" is the general name for the coin and bills which constitute the money of a country. Among the duties of the Treasurer are various matters connected with this currency, such as the destruction of old bills, the issue of new ones, and the shipment of money to provincial officers.

**Other bureaus.** The *Bureau of Supply* is an office which purchases all the goods required by the bureaus of the insular government. The government buys great quantities of all kinds of goods both in the Philippines and other parts of the world. To buy these supplies most cheaply and quickly, this central bureau of supply is established.

The *Bureau of Prisons* has charge of all insular and provincial prisoners and penal settlements. The large penal colony at Iwahig, Palawan, is under its control, as well as Bilibid Prison, Manila.

The *Bureau of Printing* is a printing office, which publishes all the official documents of the insular government, such as the public laws of the Philippines, the investigations of government scientists, the reports of bureau and department chiefs, and other public documents.

The *Bureau of Labor* was created by Act No. 1868. It is its duty to see to the proper enforcement of laws with reference to labor and capital, and from time to time to recommend legislation which will tend to improve the condition of workers; to inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, and to take proper legal steps to prevent exposure of the health or lives of the laborers; to assist workers in securing just compensation for their labor, to settle difficulties between employees and laborers, and to organize employment agencies where deemed necessary and advisable. It is also the duty of this bureau to acquire, collect, compile, and systematize statistical information regarding labor and capital which may be useful in drafting further legislation necessary to establish and maintain proper relations between these two factors of production.

The *Bureau of Education* will form the subject of Chapter XIX.

## CHAPTER XI

### THE ELECTION LAW

"Governments rather depend upon men than men upon governments. Let men be good and the government cannot be bad; for if it be ill they will cure it. But if the men be bad, let the government be ever so good, they will endeavor to warp and spoil it to their turn — I know some say, let us have good laws and no matter for the men that execute them; but let them consider that though good laws do well, good men do better, for good laws may want good men and be abolished by ill men; but good men will never want good laws nor suffer ill ones." — WILLIAM PENN

**The suffrage.** The suffrage is the right to vote; that is, the right to cast a ballot for the choice of public officers, or for the making of laws. Through the suffrage the citizen expresses his will; it is the sign and seal of his political liberty.

So powerful is the ballot that the right to cast it must, for the protection of the people themselves, be carefully limited. In an ideal democracy all adults would have the right of suffrage. No such ideal democracy exists, and the suffrage is limited in all republics, even in the United States.

**Qualifications of electors.** The conditions which limit the right of suffrage to a certain portion of the people are called the qualifications of electors. There are four general qualifications that every elector must possess. In addition, every elector must also have one of three special qualifications. If he possesses two, or all, of the special qualifications, it is well, but only one is required in addition to the four general qualifications.

The four general qualifications of an elector are as follows :

1. He must be a male.
2. He must be at least twenty-three years of age.
3. He must be a citizen of the Philippines, or of the United States.
4. He must have resided in the municipality where he is to cast his vote for six months immediately preceding the election.

The three special qualifications, *one* at least of which every elector must have, are the following :

1. He must be able to speak, read, and write English or Spanish, or
2. He must own real property (houses or lands) to the value of five hundred pesos, or pay thirty pesos annually of the established taxes, or
3. He must have held municipal office under the Spanish government in the Philippines.

**The elector's oath.** In addition to possessing the four general and one of the special qualifications the elector must, before he may vote at an election, take the *elector's oath*, and register his name with the board of inspectors of elections. He must also possess a cedula certificate.

An "oath," in the judicial sense, is a solemn declaration in which one calls upon God to witness that he tells the truth. An "affirmation" is a similar declaration of the truth made without calling upon God. The making of a false oath or affirmation before a competent officer of the law constitutes the crime of perjury, for which there is a heavy penalty.



The elector's oath is as follows :

"I, . . . , do solemnly swear (or affirm) that I am a male resident of the municipality of . . . , in the province of . . . , residing at . . . , and on the date of the forthcoming election I will be . . . years of age, and should I present myself to vote I will have resided in said municipality continuously for the period of six months immediately preceding the said election; that I am not a citizen or subject of any foreign power; that I have read (or heard read) sections thirteen and fourteen of the election law, and that I have the qualifications of a voter; and none of the disqualifications prescribed in said sections; that I am not delinquent in the payment of any public taxes assessed against or due from me since August thirteenth, eighteen hundred and ninety-eight, in any part of the Philippine Islands; furthermore, that I recognize and accept the supreme authority of the United States of America in the Philippine Islands, and that I will maintain true faith and allegiance thereto, that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion. So help me God."

(In case of affirmation, the words "So help me God" should be stricken out.)

.....  
Signature of elector.

Sections thirteen and fourteen of the election law, to which reference is made in the oath, prescribe the qualifications and state the disqualifications of voters.

**Disqualifications for voting.** It may happen that a person possesses all the necessary qualifications for voting, but belongs to one of the classes of persons who are forbidden to vote, even if they have the above mentioned qualifications. Such persons are the following :

1. Members of the army and navy of the United States.
2. Persons delinquent in the payment of taxes assessed since August 13, 1898.
3. Any person who has been deprived of the right to vote by the sentence of a court of justice since August 13, 1898.
4. Any person who has taken and violated the oath of allegiance to the United States.
5. Any person who on May 1st, 1901, or thereafter, was in arms in the Philippine Islands against the authority or sovereignty of the United States.
6. Any person who since the last day of March, 1901, has aided, or shall hereafter aid, by money, or in any other way, any person or organization hostile to or in arms against the authority of the United States.
7. Insane or feeble-minded persons.

**Qualifications of elective officers.** A delegate to the Philippine Assembly must be at the time of his election a qualified elector of the district from which he may be chosen, owing allegiance to the United States, and not less than twenty-five years of age.

Provincial governors and third members of provincial boards must be at the time of election qualified electors in the province; they must have resided there for at least one year prior to the date of their election; they must owe allegiance to the United States, and be not less than twenty-five years of age.

An elective municipal officer must be a qualified voter in the municipality, and must have resided there for at least one year previous to his election. He must owe allegiance to the United States, and be able to read and write intelligently Spanish, English, or the local dialect.

**Disqualifications for holding public office.** Unless fully pardoned, no person who has been convicted of a crime which is punishable by imprisonment for two years or more shall hold any public office. Persons may also be prohibited from holding public office who have been removed from municipal office or the office of justice of the peace by the Governor-General, and have at the same time been disqualified by the Governor-General from holding office thereafter.

The law further provides that the Governor-General may refuse to confirm the election of any provincial or municipal officer who is of evil repute in the community where he lives, if upon investigation it shall be found that there is ground for his bad reputation.

No person who holds a public office or employment within ninety days of any general election, or within sixty days of any special election, is eligible for election to any public office, or to hold any public employment, to be filled at such general or special election, except for the purpose of reelection to the office he already holds. The purpose of this law is to prevent officeholders from using their influence as public officers or employees to secure their election to a higher office.

**Election days and terms of office.** The regular election day all over the Philippine Islands for delegates to the Philippine Assembly, and for provincial and municipal officers, is the first Tuesday of June of every second even-numbered year, beginning with 1912. Certain explanations are necessary to make clear the dates of election and terms of office of various public officers.

The first election for delegates to the Philippine Assembly took place July 30, 1907. These delegates held office till January 1, 1910, or until their successors were elected and qualified for office. The date of the second general election was the first Tuesday of June, 1912, the delegates to hold office for four years from the sixteenth day of October next following the election. Thus the date of the third election for delegates will be the first Tuesday of June, 1916.

Municipal presidents and vice-presidents elected in 1909, and in subsequent years, hold office for two years from the first day of January following their election.

Only half of the whole number of municipal councilors is elected at one time. Beginning with the councilors elected in 1909, all councilors will hold office for four years from the first day of January following their election. Thus half the whole number of councilors is elected every two years, while each individual councilor holds office for four years. By this plan half of the municipal council always consists of experienced councilmen.

**Postponement, pluralities, and vacancies.** The Governor-General may postpone any of the provincial or municipal elections when the existence of brigandage, rebellion, epidemic disease, or other public calamity shall make such action necessary for the public good.

In all the above-mentioned elections a *plurality* of votes elects; that is, if any candidate receives a greater number of votes than any other candidate he is considered to be elected, even if the votes cast for him are less than a majority of the total number of votes cast. The

reason for not requiring a majority is that in cases where the vote is divided among several candidates it might be impossible to reach a decision by majority vote, through the unwillingness of the voters to change their votes.

Vacancies in elective provincial offices are filled by the Governor-General. Vacancies in municipal elective offices are filled by the provincial board.

**Polling places.** In order that the elections may be held with speed and accuracy, the municipalities are divided by the municipal councils into election precincts, each of which must contain not more than four hundred voters.

At least sixty days before the election the council appoints in each of the election precincts a place where the election shall take place. The council must supply this place with all the furnishings necessary for the proper conduct of the election.

The room where the voting is to take place must contain one voting booth for every fifty voters in the district. Thus a district with four hundred voters would have eight voting booths in the election room. The booths must be placed behind a guard rail. The object of the booths and guard rail is to make the ballot secret. If spectators could observe the names of the candidates for whom an elector voted they might by threats or promises try to influence him to vote contrary to his wishes.

This method of balloting is called the "Australian ballot," and has been adopted in several of the most progressive states of the world.

**Inspectors of elections.** The municipal councils appoint for each election precinct a board of three inspectors of elections and one poll clerk. The duty of these inspectors is to supervise the registration of electors and the conduct of the elections. They hold office for two years. Election inspectors must be qualified electors of good character, and able to speak, read, and write English, Spanish, or the local dialect understandingly.

The board of inspectors holds four public meetings before each general election for the registry of voters. These meetings occur on the sixth and the fifth Fridays and Saturdays before the date of the election.

The right of any person to vote may be questioned or challenged by an inspector, or by any qualified elector of the precinct. The board of inspectors must decide immediately whether the person challenged has the right to vote, or not.

**Voting.** The Director of Printing furnishes the municipalities with official ballots through the provincial treasurer. The title of each officer to be elected and other necessary instructions are printed upon this ballot. No other form of ballot may be used or counted in the election.

The hours during which the polls remain open for voting are from 7 a.m. to 5 p.m. The inspectors preside over the polls. They check the names of the voters as they cast their ballots, and see that the voting is lawfully conducted, but they are not permitted to see for whom the elector votes. Not more than one of the inspectors may be absent from the polls at any moment

during the day. Only properly qualified voters may pass within the guard rail, or remain within thirty meters of the polls. It is provided, however, that six watchers shall be appointed from the qualified voters who shall watch the inspectors count the votes, though they may not pass within the guard rail. The number of voters who may enter the enclosure where the voting booths are placed is restricted to twice the number of voting booths.

When the elector is ready to vote he enters the enclosure, reports his name and residence to the inspectors, secures a ballot, enters the booth alone, and there writes upon the ballot the names of the persons for whom he wishes to vote. He then gives the ballot to the chairman of the board of inspectors, who deposits it at once in the ballot box in the presence of the voter.

Should a voter be ignorant of writing, or blind, or otherwise disabled from writing, he may select one or two inspectors to enter the booth with him and write upon his ballot the names of the candidates for whom he desires to vote.

In order to prevent the voters from losing their judgment through drunkenness or the excitement of gambling, it is provided by the law that no cockfight shall be held upon election day, and that no intoxicating liquors shall be sold or given away within one hundred and fifty meters of any voting place within voting hours.

**The canvass of the elections.** By the "canvass" of elections is meant the official inquiry into the results

of the elections. After the elections, the provincial board ascertains the number of votes cast in each assembly district for each assembly candidate, and also the number of votes cast for the candidates for provincial office, and determines which candidates have been elected to the Assembly and to provincial office.

The municipal councils canvass in similar manner the votes for candidates for municipal office, and report the results.

**Penalties for corrupt practices.** Certain acts which are intended to cause voters to vote differently from their best judgment, and are contrary to the law, are called "corrupt practices."

Among the practices of this sort which are forbidden by law are these: No person who is a candidate, and no person on behalf of a candidate, may promise any money or other reward for a vote, nor may any person accept a reward for his vote. No person may ask of any candidate any money or other valuable thing in return for his vote. No person may offer or accept a reward for the purpose of inducing any election officer to use his influence to affect the decision of any question before the board of inspectors or before any election officer.

The penalty for these practices is imprisonment for from three months to five years, or a fine of two hundred to two thousand pesos, or both imprisonment and fine.

A person who attempts to register illegally, or one who aids him, is subject to imprisonment for from



one month to one year, or a fine of from one hundred to five hundred pesos, or both imprisonment and fine.

The penalty for voting when one knows that he is not entitled to vote is imprisonment for not less than one month nor more than two years, or a fine of from one hundred to one thousand pesos, or both fine and imprisonment.

Any person who, without lawful authority, obstructs or delays a voter who is on his way to the voting place, or tries to induce a voter to show before voting how he marks or has marked his ballot, or places a distinguishing mark upon a ballot not cast by himself, is subject to a fine of not more than one hundred pesos, or imprisonment for not more than three months, or both fine and imprisonment.

Any person who by threats tries to induce a voter to give or withhold his vote is subject to imprisonment for a period of from one month to one year, or a fine of from two hundred to five hundred pesos, or both fine and imprisonment.

**The purity of the ballot.** These are some of the many corrupt practices forbidden by law. It is plain from these laws that it is an exceedingly difficult matter to assure the purity of the ballot. Elections that abound in corrupt practices are a mockery of democratic government. Nothing is more important to the integrity of a republic than the preservation of the sacredness of the ballot. The difficulties in surrounding the ballot with proper safeguards and the many opportunities for the vicious and the weak to defeat the purpose of

the ballot demand a high degree of intelligence, self-reliance, and public morality in a people who hope to govern themselves successfully by popular vote. It is for this reason that William Penn said, "Though good laws do well, good men do better," and, "Governments depend rather upon men than men upon governments."

There are certain officers and employees of the government who from their close relations with the people might by public speeches, or private efforts, without attempting to corrupt the voters, exercise too great personal influence upon the votes of electors. It is therefore forbidden any judge of the court of first instance, justice of the peace, provincial fiscal, or officer or employee of the Bureau of Education, or of the Constabulary, to aid any candidate or influence in any manner any municipal, provincial, or Assembly election. The penalty for breaking this law is loss of office and disqualification from holding public office for five years.

The election law of the Philippines represents the results of the experience of centuries in purifying and defending the ballot from corruption. These laws cannot be too strictly enforced if popular government is ever to become a reality in the Philippines.

## CHAPTER XII

### THE PROVINCIAL GOVERNMENTS

**The three classes of provinces.** The provinces of the Philippines are divided into three classes according to their form of government, — the Christian provinces, the non-Christian provinces, and the Moro Province. The Moro Province is inhabited chiefly by non-Christians, but its form of government is different from that of the other non-Christian provinces.

The necessity for three forms of provincial government arises from the fact that the people of the various provinces differ greatly in race, religion, customs, education, and political training. There is no more important principle of lawmaking than that the government and laws of a people should be suited to the peculiar character and habits of that people. As we have learned, there is no form of government that is best everywhere and all the time. The ideal form of government is a representative democracy, but not all peoples are fit and ready for that sort of rule. If the Moro were given complete self-government he would reestablish slavery; the Igorot, left to choose for himself, would honor and reward head-hunting; the Negrito would have no government beyond family government. Hence three different forms of provincial government have been established.

**The need for provincial government.** It is proper to ask why provincial government is necessary. Why not govern the towns directly from Manila by the central government? There are several reasons why this

is not done. In the first place there are many local laws that need to be made to meet immediate needs. There would not be time to explain all these local needs to the central government. Moreover, without provincial government, too much power would be centered in the insular government. The ideal of democracy is local rule; therefore, to prevent the central government from interfering too much in local matters, it is well to have provincial governments between the central and the municipal governments. This secures convenience and promptness of legislation, and preserves local self-rule.

Furthermore, there are many matters of common interest to the towns that require regulation. The roads and bridges between towns, the police regulations, and other matters, require some governing body that shall combine the authority of the several towns of a province.

This principle of mutual interests is what determines the extent of a province. The towns that are near together, that have a number of common interests, and are inhabited by people of similar customs, should be united into one province.

Thus the provincial governments exist as a means by which the insular government controls the towns and a method by which the towns do their joint tasks with the greatest efficiency.

**Provincial officers.** The officers of a Christian province are the governor, treasurer, third member of the provincial board, and the fiscal. The governor and the third member of the board are elected every four years

by the electors of the municipalities of the province, as explained in Chapter XI. The provincial treasurer and the fiscal are appointed by the Governor-General, with the consent of the Commission, and hold office during their pleasure.

If the Governor-General has reason to believe that any provincial officer is guilty of disloyalty, dishonesty, oppression, or misconduct in office, he may suspend him from the discharge of the duties of his office, and, after investigation, may, with the consent of the Commission, remove him from office.

**The provincial board.** The central governing body of a Christian province is *the provincial board*. This board acts in accordance with the provisions of the law known as the Provincial Government Act. The board consists of three members, — the governor, the treasurer, and the third member of the board.

The legislative powers of the provincial board are limited, since it may not pass any resolution contrary to the general laws of the insular government. Moreover, the subjects upon which it may legislate are enumerated in the Provincial Government Act. Thus the board is prevented from taking away the liberties of the municipalities.

There are, however, a great many matters left to the discretion of the provincial board, and since two of the three members of the board are elected by the people of the province, the Christian provinces may be said to enjoy a large measure of self-government.

**Legislative duties of the provincial boards.** There

is a variety of matters upon which the provincial board is authorized to take legislative action. In general the provincial board is responsible for the proper regulation of all matters that belong not to any single municipality, but to all or several of the municipalities in common. The decisions of the provincial board take the form of *resolutions*, which have the authority of law. Its principal duties are the following :

1. To provide suitable buildings for provincial uses, such as a provincial office building, a courthouse, a jail, and a provincial schoolhouse.

2. To order the construction, repair, and maintenance of roads, bridges, and ferries within such portions of the province as lie outside of the inhabited portions of the municipalities. When such work is necessary for general provincial purposes in the inhabited portions of municipalities which are unable to bear the expense of the same, the provincial board may undertake this work.

3. To adopt regulations for the suppression of locusts, or other agricultural pest, such as cattle disease.

4. To levy provincial taxes in accordance with the general provisions of the laws on taxation.

5. To hold regular weekly public meetings for the transaction of business, and special meetings upon the call of the governor.

Practically all the duties of the provincial board may be included under one or the other of these headings. There are many minor regulations that the board may make for the effective execution of the general duties prescribed to it by law. The Governor-General, through the Executive Bureau, as previously explained, supervises the provincial boards and advises them of the proper action to take in critical cases.

**Duties of the provincial governor.** The *governor* acts as the chairman of the provincial board. He is entitled to vote on the resolutions of the board, and is thus a legislative as well as an executive officer.

The chief executive duty of the governor is the supervision of the provincial and municipal officers. The governor is the chief representative in the province of the Governor-General and it is his duty to see that all the laws of the insular government, as well as the resolutions of the provincial board, are obeyed.

The governor must visit every municipality in the province at least once every six months to see that the laws are being executed, to listen to complaints against executive officers, and to learn the condition and needs of the people.

The governor must make an annual report to the Governor-General of the history of the government of his province during the year ending June 30, including therein a statement of everything that may assist the central government to legislate properly for the province.

The provincial governor is the executive officer of the court of first instance. It is his duty to see that the orders of this court are executed.

The governor has the custody of all the prisoners in the provincial jail, and is responsible for the proper management of the jail. He is the commander-in-chief of all the municipal police of the province. He may, in case of need, order municipal police from one municipality to another. The governor may call upon the senior

inspector of the Constabulary in case of riot or seditious revolt, to aid in keeping the peace, and, through the Governor-General, may call upon the commanding general of the United States Army in the Islands to aid in suppressing disorder or revolt.

The governor may suspend any municipal official except the treasurer. In such case he must file written charges against the official with the provincial board. The board investigates the charges and makes a report to the Governor-General, who takes final action for the dismissal or reinstatement of the accused.

**The duties of the third member.** The *third member* shares with the other members the legislative power of the board. Unlike the governor and the treasurer, he has no regular executive duties. When on account of absence or for any other reason the governor is unable to perform his duties, he may delegate them to the third member, or to the treasurer.

**The duties of the treasurer.** The *treasurer* has a variety of important duties. Besides his legislative duties as a member of the provincial board, his principal duty is the collection of all the taxes of the province, either personally or through his deputies and the municipal treasurers, over whom he has the supervision.

The provincial treasurer receives and disburses all provincial moneys, paying the sums appropriated by the board upon the warrant, or signed order, of the governor.

The provincial treasurer is the chief land officer of the province. From him information can be obtained respecting the public lands of the province.



Before entering on their duties, all provincial treasurers give a bond for the faithful performance of their duties and the accounting for the moneys received by them. This bond is equal in amount to the greatest sum of public money which is likely to be in their custody at any one time. The treasurers are under the administrative control of the Executive Secretary, but their accounts are rendered to the Insular Auditor.

**The duties of the fiscal.** The provincial *fiscal* must be a lawyer, for he is the prosecuting attorney of the province; that is, it is his duty to appear before the courts to plead causes to which the provincial government is a party.

It is the duty of the fiscal to institute prosecutions for crime whenever violations of the law shall come to his knowledge from any part of the province.

The provincial fiscal is the legal adviser of both the provincial and the municipal governments. Any provincial or municipal officers may consult the provincial fiscal about the meaning and construction of the laws.

**Residence.** No provincial officer may leave the province without first obtaining permission from the Governor-General, and every provincial officer, except the third member of the board, is obliged to reside at the capital of the province.

**The Special Provincial Government Act.** The non-Christian provinces (except the Moro Province, Mindoro, Palawan, and Batanes) are governed by the terms of the Special Provincial Government Act. In general this act gives more power to the provincial officers and

less to the local officers than is the case in other provinces. The governments of the non-Christian provinces are not all organized alike, because among them there are wide differences in the people which call for variations in the form of government. Nueva Vizcaya, for example, has many thousands of Christian inhabitants, while there are few in The Mountain Province. At present the non-Christian provinces are the following: Nueva Vizcaya, The Mountain Province,<sup>1</sup> Mindoro, Palawan, and Agusan. In several of these there are sub-provinces, that is, districts administered by an official who is the representative of the provincial governor. The new province of Agusan, for example, has the sub-provinces of Butuan and Bukidnon. A sub-province is placed in charge of an officer called a lieutenant-governor. Subject to the supervision of the governor, a lieutenant-governor exercises in his sub-province the powers of the governor. Several of the Christian provinces have sub-provinces.

**Officers of non-Christian provinces.** In general these officers consist of a governor, secretary, treasurer, supervisor, and fiscal. In some provinces, as stated, there are lieutenant-governors, and in others the duties of two or more provincial officers are performed by the same person.

The provincial officers are appointed by the Governor-

<sup>1</sup> The Mountain Province was created in 1908 by act of the Commission. This province includes most of the territory inhabited by the non-Christian tribes of northern Luzon. It has the following sub-provinces: Benguet, Amburayan, Lepanto, Bontoc, Ifugao, Kalinga, and Apayao. The capital is Bontoc.

General, with the consent of the Commission, and hold office during their pleasure. The secretary, treasurer, and supervisor are selected under the terms of the Civil Service Act.

The duties of the officers mentioned are similar in kind to those of corresponding officers in Christian provinces, but their powers are greater. The supervisor performs the duties assigned to the district engineer in the Christian provinces.

**Provincial boards of non-Christian provinces.** In most cases the provincial board of a non-Christian province is composed of the governor, the treasurer, and the supervisor. This board has duties similar to those of the provincial board in a Christian province; its power over the local governments, however, is much greater.

In a non-Christian province the provincial board has the power to amend or suspend all the acts of the township council. Every act of a township council requires the approval of the provincial board before it has the force of law. The township councils, therefore, are nothing but schools for self-government; they have no final power, but merely give voice to the wishes of the people. The reason for this great authority of the board is the inability of the people of these provinces to govern themselves intelligently.

**The townships.** The non-Christian provinces, with a few exceptions, do not have municipalities organized like those of the Christian provinces. The term *township* is applied, as a rule, to the local governments in non-Christian provinces.

The elective officers of the township are a president, vice-president, and councilors, one councilor for each barrio. The chief non-elective officers are a secretary and a treasurer. The president and the vice-president are elected by the qualified electors of the township, while each councilor is elected by the electors of his own barrio. As we shall learn, the councilors of the Christian municipalities are elected at large by all the electors of the municipality. The practice of election by barrios is more in accord with the custom of the mountain peoples; besides, the barrios are often widely separated, and the people are often not well acquainted with the needs of other barrios. The duties of the officers and of the township council are much the same as those of the officers of Christian municipalities, the chief difference being that all their acts are subject to the approval of the provincial board.

**The rancherías.** Besides the township form of government, and the few cases of municipalities organized under the Municipal Code, the non-Christian provinces have a very simple form of local government called the *ranchería*, or settlement. In the non-Christian provinces there are regions where no compact village is found, but merely scattered groups of houses, covering sometimes a large extent of country. The life of the people of the rancherías is very simple; they live usually in the mountains, and sometimes change their abodes. Among them there are few or no people who can read and write. It would be foolish to try to establish self-government among such children of

nature. The provincial governor is therefore given power to appoint officers for the government of rancherías, and to fix their powers and duties. These powers may not be greater than those granted by law to the township officers.

There are two classes of rancherías, the organized and the unorganized. The organized rancherías consist of people who have been ordered by the government to settle on public lands. The site for such a settlement is selected by the provincial governor with the approval of the provincial board, and the people are obliged to settle on these lands. The reason for compelling these people to live in settlements is because men living in a wild state are a menace to civilized towns. Travel and industry are unsafe in places inhabited by roving savages. Moreover, the descendants of such people, and even the people themselves, will in the end be happier if taught to live a well-ordered and settled life.

The unorganized rancherías are those scattered groups of inhabitants who are allowed to live in a half wild state with very little supervision by the government, because for the present it is unnecessary or impracticable to organize them in settled villages.

The provisions of the law regarding rancherías apply not only to the non-Christian provinces, but also to the non-Christian inhabitants of some Christian provinces, as, for example, Ilocos Sur, where there are many such rancherías.

In all these governments for the non-Christian peoples the law states that :

"The constant aim of the provincial governors, provincial boards, and of the Secretary of the Interior in exercising the powers conferred upon them by this act shall be to aid the people of the several non-Christian tribes to acquire the knowledge and experience necessary for successful popular local self-government, and their supervision and control over such people shall be exercised to this end that law, order, and individual freedom may be maintained."

**The Moro Province.** The Moro Province includes all of Mindanao, except the Christian provinces of Surigao and Misamis, and the non-Christian province of Agusan, which was formed in 1907 from a part of Surigao and Misamis provinces. The Sulu Archipelago and some smaller adjacent groups belong to the Moro Province. The Moro Province is by far the largest province in the Philippines. It contains about 500,000 inhabitants. About half of these are Moros, and the rest, with the exception of a few thousand Christians, are members of the wild tribes.

The Moro Province has been given a government much different from that of any other province of the Philippines, because of the presence of many mutually hostile tribes who differ in language and customs, and have little education and no knowledge of democratic forms of government. This province is, therefore, governed under a special law, called the Moro Province Act.

**Districts and officers.** The Moro Province is divided into five districts, — Sulu, Zamboanga, Lanao, Cotabato, and Davao. Each of these districts has a district governor and a district secretary, both appointed

by the provincial governor, with the consent of the legislative council of the province.

The officers of the Moro Province are a governor, attorney, secretary, treasurer, superintendent of schools, and an engineer. These officers are appointed by the Governor-General with the consent of the Commission, except the engineer and superintendent of schools, who are appointed by the provincial governor with the consent of the legislative council.

The legislative council of the Moro Province is composed of the governor, secretary, treasurer, and attorney. This council makes all laws for the Moro Province, subject to the final approval of the Commission. It will be seen, therefore, that the government of the Moro Province is very distinct from that of the rest of the Islands. It is in fact a separate, but subordinate, government.

The government of the Moro Province may be described as civil-military. The governor and the secretary are usually army officers, and some of the officers of the district are detailed for this service from the army. This lessens the expense of the government, and makes the firm rule of the warlike Moros possible. Yet even in the Moro Province the aim of the government is to teach and fit the people to take a share in the government.

In the Moro Province, more than in most other parts of the Philippines, the people are living according to the ancient Filipino laws and customs. In order that they may become gradually accustomed to modern forms of government, the law provides that the council

of the province shall conform "as nearly as possible to the lawful customs of such peoples" and govern them by vesting in their local or tribe rulers as nearly as possible the same authority over their people as they now exercise.

The powers of the district officers are exercised under the general supervision of the military commander of the United States troops serving in that district when such supervision seems wise to the legislative council.

The revenues of the Moro Province are expended wholly within the province.



## CHAPTER XIII

### THE MUNICIPAL GOVERNMENTS

**The municipalities.** A *municipality* is a town with a government organized under the provisions of the Municipal Code. Such municipalities are found mainly in the Christian provinces. They have a much larger measure of self-government than the townships of non-Christian provinces.

The difference between a municipality and an unorganized town is that the municipality is a *corporation*, or body; that is, it resembles a person in that it may own property, make contracts, and sue or be sued in courts of law. To incorporate a town means to give it a personality in the eyes of the law.

**Importance of municipal government.** A full knowledge of the government of the municipalities is indispensable to every citizen of the Philippines. The average citizen has little to do with the insular or the provincial governments. He is governed and protected by the insular and provincial laws, but in his daily life he is not often in contact with insular and provincial officers. Every one, however, is under the immediate direction of the municipal officers. On the good government of his municipality depend his daily peace, health, safety of person and property, and the preservation of many other rights and privileges. Every citizen is familiar with the needs of his own municipality; every elector has a direct share in the selection of municipal officers, and many of the electors will at some time

serve as municipal officers or employees. It is upon the success of the self-governing Christian municipalities that the future independent Filipino state depends. Unless these municipalities are governed honestly and capably, there is no hope that the provincial and insular governments will be conducted efficiently by the citizens of the Philippines. The highest patriotism demands that every citizen study and participate in the government of his own municipality.

**Classification and division of municipalities.** There are four classes of municipalities, classified according to population. First-class municipalities are those with 25,000 or more inhabitants; second-class, those with 18,000 to 25,000 inhabitants; third-class, those with 10,000 to 18,000 inhabitants; fourth-class, those with less than 10,000 inhabitants.

The city of Manila is not included in this classification. Its government will be described later.

Each municipality has a number of councilors proportioned to its size. Those of the first class have eighteen councilors; of the second, fourteen; of the third, ten; and of the fourth, eight.

The municipalities are divided into barrios, or wards. When there are many barrios they are sometimes grouped into districts. On October 1, 1907, there were 685 municipalities in the Philippines, and thousands of barrios. The seat of government of the municipality is the *poblacion*, or center of the town.

**Municipal officers.** The officers of the municipality are a president, a vice-president, a secretary, a treasurer,

and councilors. Not every elector may be elected to municipal office; for higher qualifications are necessary to be a public officer than merely to be an elector. Those who may be elected to municipal office must have the qualifications already named in Chapter XI. It should further be noted that a second reelection to municipal office is prohibited, except after two years' absence from office; thus no officer serves for more than four consecutive years. Furthermore, no municipal officer is permitted to have any financial interest in any contract work, cockpit, or other business permitted or controlled by the municipality.

Certain classes of persons, besides those mentioned in Chapter XI, are excluded from holding municipal office, even though they possess the required qualifications. Such are ecclesiastics (church officials), soldiers in active service, persons receiving pay from other branches of the Philippine government, and contractors for public works of the municipality. The reason for excluding such persons from municipal office is that there is danger that their interests as members of private corporations, or of other branches of the government service, may conflict with their duties as municipal officers. In the case of contractors the object is to prevent the contractor from influencing the council to vote an excessive sum of money for public works constructed by the contractor.

**The oath of office.** Every municipal officer, before entering upon the duties of his office, must take the following oath of office:

## OATH OF OFFICE

"I..... having been.....as  
.....of the municipality of.....  
in the province of ....., do solemnly swear (or  
affirm) that I have the prescribed qualifications to hold office  
in said municipality; that I recognize and accept the supreme  
authority of the United States of America and will maintain  
true faith and allegiance thereto; that I will obey the laws, legal  
orders, and decrees promulgated by its duly constituted authori-  
ties; that I impose upon myself this obligation voluntarily with-  
out mental reservation or purpose of evasion, and that I will  
well and faithfully discharge the duties of the office upon which  
I am about to enter. So help me God." (Last four words to be  
stricken out in case of affirmation.)

This oath must be filed in the office of the municipal secretary.

**Bonded officers.** Every municipal officer entrusted with funds of the municipality must give a bond for the faithful performance of his duties and the payment of all moneys received by him as an officer of the municipality. This bond is a written promise on the part of two or more persons to pay a certain sum of money in case the officer is faithless to his duty. The amount of the bond is equal to half the amount of the total sum of money which it is estimated will pass through the hands of the officers during the current year.

**Executive duties of the president.** The president is the chief executive officer of the municipality. Besides his duty as executive he is chairman of the council, which enacts the ordinances of the municipality. Of his legislative power in this capacity mention will be made later.

As chief executive the president must inspect the records and supervise the work of all the other officers of the community. The president issues orders to the police, and takes special steps for the protection of the community in time of fire, flood, or other disaster. He draws warrants on the municipal treasurer for the payment of the expenses of the municipality, as ordered by the council, and he assists the provincial treasurer in the collection of taxes. His duties are thus many and varied.

It should be remembered that the president must exercise his power within the limitations imposed upon him by the laws. A great defect in the administration of many municipalities has been the tendency of some presidents to act like little kings, instead of agents of the law and representatives of the people. The citizens should guard against these abuses of the president's power. If the citizens have not the courage to do this the municipalities will not be properly governed.

**Appointing power of the president.** The president has the power to appoint, with the consent of a majority of the members of the council, the municipal secretary, and all other non-elective officers and employees of the municipality. He must nominate these officers and employees at the first meeting of the council after his election. The term of office of such officers and employees is during the remainder of the president's term of office. The municipal treasurer and the employees of his office are not appointed by the president, but by the provincial treasurer, with the consent of the provincial board.

The president has the power to suspend for good reason any of the appointive officers or employees for a period of ten days. With the consent of a majority of the members of the council, he may discharge any such officer or employee, except the municipal treasurer and the president of the municipal board of health.

The president makes out an annual report in December of each year, in which he recounts all events of importance that have happened in the municipality during the year. This report is submitted to the municipal council and to the provincial governor.

In his immediate relation to the citizen, the president exercises more power than any other government officer. He is responsible for the observance in his municipality of the laws of the insular, provincial, and municipal governments. He therefore is entitled to the respect of every one so long as he discharges his duties with dignity and honor. He should regard as his reward the respect and gratitude of the people rather than any personal advantages to be derived from the abuse of his power. As a rule the president will be as good as the people who elected him desire. If they watch his acts, support him in a just and energetic administration of his office, and register prompt complaints against any abuse of his powers, they will greatly increase his efficiency. People who complain of the defects of their officials often have themselves to thank for these defects. It is difficult for any officer to be better than the people who elect him.

**The duties of the vice-president.** The vice-president fills the office of the president in case of the absence of the

latter or his temporary inability to perform his duties. The vice-president is also a member of the council *ex officio*.

**The duties of the secretary.** The municipal secretary keeps a record of the business transacted by the municipal council. He certifies to the correctness of all warrants ordered by the council to be paid from the municipal treasury.

The secretary also keeps a record of all births, marriages, and deaths in the municipality, with their dates. All persons who celebrate marriages must report them to the secretary, and all physicians and midwives must report births and deaths that happen within their supervision. The recording of these events is made without charge.

The secretary must issue upon demand of any person a certified copy of any record within his control. For doing this he may receive a fee not to exceed ten centavos per hundred words. The records of the secretary must, during business hours, be open to inspection by all residents of the municipality and by all officers of any branch of the Philippine government.

**The duties of the treasurer.** The municipal treasurer is appointed by the provincial treasurer, subject to the approval of the provincial board. He receives and keeps an account of all moneys paid to the treasury of the municipality, for which he must in all cases give a receipt. He pays out upon the president's warrant, countersigned by the secretary, all moneys authorized to be paid by the municipal council.

The treasurer must keep the municipal money separate from his own money, and he must not lend or otherwise use public money to his own profit. The treasurer is also the custodian of all municipal property other than money, and he keeps a record of the same. Before the third day of each month he must make a report to the president and the provincial treasurer of the receipts and expenditures of the preceding month.

**Salaries of municipal officers.** The salaries of the president and the secretary are fixed by the municipal council, and that of the treasurer by the provincial board, but these salaries must not exceed the following amounts:

	1st Class Municipality	2d	3d	4th
President . . . . .	1200 pesos	1000	800	600
Secretary . . . . .	600 pesos	500	400	300
Treasurer . . . . .	800 pesos	600	400	300

The vice-president and the councilors do not receive salaries, except that the vice-president receives the salary of the president when he is acting in the place of the latter. The reason why these officers receive no salary is because the municipalities are too poor to pay them salaries at present. To serve in these offices is an honor and a duty of which a citizen should be proud. The members of several famous national legislative bodies receive no pay.

**The city of Manila.** The system by which the city of Manila is governed is laid down in a law called the Charter of the city of Manila. This charter was amended



by an act of the Legislature, June 18, 1908. This amendment declares that:

"The government of said city is hereby vested in a Municipal Board, consisting of six members, three to be appointed by the Governor-General, by and with the consent of the Commission, and to be removable in the same manner, one ex-officio member, to wit, the city engineer, and two elective members to be elected from the city of Manila, who shall hold office for two years or until their successors are elected and qualified or appointed and qualified."

The two elective members receive twenty pesos a day for each day of attendance on a session of the municipal board.

This same amendment abolishes the old Advisory Board of the city of Manila.

Since the city of Manila is the seat of the Insular Government, many of its activities have a more than merely municipal bearing. Manila is, in a sense, the city of all Filipinos, because, more than the capitals of most countries, it dominates the social, business, and governmental relations of all the Islands. For this and other reasons it is not governed wholly by popular vote of its citizens, but through a system in many respects resembling a bureau. As stated above, the municipal board of Manila is under the executive supervision of the Governor-General.

For more detailed information regarding the government of Manila consult Act No. 183 of the Philippine Commission. Also compare Act No. 1963 of the Philippine Legislature, which gives the charter of the city of Baguio.

## CHAPTER XIV

### THE MUNICIPAL COUNCIL

**Organization and meetings.** The municipal council is a body of citizens chosen by the electors of the municipality to make the local ordinances, in accordance with the provisions of the Municipal Code. The council meets regularly every two weeks, and on special occasions whenever necessary. Special meetings may be called by the president or by any two members of the council, by giving each member of the council a written notice of the meeting.

A majority of all the members of a council constitutes a quorum. The regular meetings of the council must be public, so that all the citizens may know how the business of the municipality is being conducted, but private meetings may be held to vote upon appointments of the president. The council determines its own rules of procedure, that is, the rules according to which it conducts its business.

The president presides at the meetings of the council, signs its journal of proceedings, and may recommend legislation that he deems necessary as to the passage of ordinances. The president, however, has no vote upon the passage of resolutions, except in case of a tie vote, when he casts the deciding vote.

**The passage of ordinances.** The resolutions passed by the council are called *ordinances*, and have the force of laws within the limits of the municipality. If an ordinance creates an indebtedness for the municipality,

a majority of all the members of the council must vote in favor of it; any other ordinance may be passed by vote of the majority of the members present. An ordinance becomes effective, that is, it becomes the duty of all citizens to obey it, on the tenth day after its passage, unless otherwise provided by the council. The ordinance must be posted in front of the municipal building the day after its passage, for the information of the citizens.

It is the duty of the provincial board to approve all the acts and ordinances of the council which it considers to be legal, and to declare of no effect those which it regards as illegal. In case of doubt the board should suspend the act or ordinance and refer the question to the fiscal. An appeal may be taken from the decision of the board to the Governor-General.

**The veto power of the president.** If the president considers an ordinance legal and wise he approves it, and it becomes a law; if not, he vetoes it; that is, he signifies to the council his disapproval of the proposed ordinance. In this case the ordinance fails to become a law, unless when a second vote is taken the council by a two-thirds majority passes the ordinance over the veto of the president.

**The duties of the municipal council.** Each councilor is in charge of a barrio or a part of a barrio. If the number of barrios exceeds the number of councilors, the barrios are grouped into districts and each councilor is given charge of a district. It is the duty of the councilor to present to the council the needs of his barrio, or district, for action by the council. He should also report

to the people of the barrio any action of the council that is of especial interest to them. The lieutenant of a barrio is an officer appointed by the councilor to represent him in the barrio when he is absent. A substitute lieutenant is also appointed by the councilor. Both of these officers serve without pay.

The general duty of the council is to make such ordinances, not contrary to the insular or provincial laws, as shall provide for the peace, safety, health, and prosperity of the people of the municipality. A great variety of ordinances may be made for these purposes. The law provides that certain matters shall receive the especial care of the council. The powers of the council are of two kinds: those that it is obligatory upon it to employ, and those that are permitted to it in the exercise of its discretion. The duties that the council must perform may be summarized as follows:

1. To establish and fix the salaries of municipal officers and employees, except of teachers in the public schools.
2. To make appropriations of money for lawful and necessary municipal expenditures.
3. To erect all needful municipal buildings.
4. To establish fire limits and prescribe the kind of buildings that shall be erected within these limits.
5. To regulate the construction, care, and use of streets, sidewalks, wharves, and bridges, including the cleaning of all public places.
6. To establish and maintain all necessary sanitary regulations for the protection of the public health.
7. To establish and regulate a police department.
8. To provide against the evils of gambling and other vices.
9. To provide for the arrest and punishment of all disturbers of the peace and of vagrants.

10. To provide for the punishment of cruelty to animals.
11. To provide for the inspection of weights and measures and to enforce the keeping of proper weights and measures.
12. To fix penalties for the violation of municipal ordinances, but no penalty may exceed a fine of two hundred pesos, or imprisonment for six months, or both fine and imprisonment.
13. To establish and maintain municipal prisons.
14. To establish and maintain primary schools, subject to the approval of the division superintendent of schools.
15. To establish and conduct a post-office, in harmony with the rules of the insular postal service.
16. To license the sale of intoxicating liquors.
17. To levy such taxes as the law permits.
18. In general, besides the above duties, to make such ordinances, not contrary to law, as shall seem necessary to carry out the provisions of the Municipal Code and to provide for the health, morals, peace, prosperity, and convenience of the municipality and its inhabitants.

In addition to these tasks which the council is required to perform, it is empowered, within its discretion, to do the following things:

19. To order the suspension or removal, for cause, of any non-elective officer, except a member of the local school board, the municipal treasurer, or the president of the municipal board of health, provided a two-thirds vote be required.
20. To make provision for the care of the poor, the sick, and the insane.
21. To provide for the erection of markets and other public conveniences.
22. To regulate and permit, or to prohibit, cockfighting, provided that cockfighting shall not take place except on legal holidays and during a period of not more than three days during the *fiesta* of the patron saint.

The municipal council is the field for the training of the public officers of the Philippines. All the legislation of the provincial and insular governments has for its object the welfare of the people of the municipalities, and those who make this legislation could have no better school than the municipal council. There the immediate needs and will of the people are best learned. In the future these councils should furnish the best material for the service of the government. Law, medicine, engineering, and several other professions, have their special training schools, some of which exist in the Philippines; but in most countries, as in the Philippines, the business of a legislator or executive officer of the government is entrusted to men who often wholly lack experience or training in such matters. There should be many young men who will look on the municipal council as an arena for securing a training that will serve them in the larger and better rewarded spheres of the provincial and insular governments.

**Municipal taxation.** The land tax, formerly a required tax in all municipalities, is now enforced at the option of the provincial board. The maximum amount of this tax is one half of one per cent. of the assessed valuation of the lands, buildings, and improvements thereon, of the municipality. The minimum land tax is one fourth of one per cent. of the valuation of the property mentioned, and at least this amount, if the tax is levied, must be devoted to the support of free public primary schools. The remainder of the tax, if more than one fourth of one per cent. is levied, may be spent for any lawful municipal purpose.

Besides the above-mentioned tax, the council may collect taxes on public amusement enterprises, such as theaters and cockpits, and other undertakings dependent upon public support, such as restaurants and public vehicles. Authority is also given to tax dogs. Taxes of this nature are called license taxes, because they give license, or permission, to do something or own something.

Any export or import tax on goods leaving or entering the municipality is expressly forbidden.

**The annual estimate.** The council must make an annual report to the provincial treasurer. In this report are set down the amount and kinds of property the municipality possesses, the revenue for the past year, and an itemized estimate of the probable ordinary expenditures for the coming year. The estimated ordinary expenditures must not exceed the estimated receipts for the coming year. The report must also include an estimate of any extraordinary expenditures for the coming year.

The estimate is approved by the provincial treasurer if in his opinion the resources of the municipality permit the estimated expenditure. If, after the collection of the taxes has begun, the provincial treasurer finds that the probable receipts from taxation will not equal the estimated expenditures, he so reports to the council, and it then becomes the duty of the council to reduce the estimate of expenditure.

## PART III

### THE DUTIES AND RIGHTS OF PHILIPPINE CITIZENS

#### CHAPTER XV

##### THE CITIZEN AND THE LAW

**Knowledge of the law.** When the people of the Philippines lived in small villages and led a very simple life, custom was the only law; every one knew by what standard his acts would be judged by his fellows. As civilization advances and states grow larger, laws multiply fast, and it is now much more difficult than formerly to know what the laws forbid and what they permit. The knowledge of the law and the trial of those who have broken the laws become, therefore, the work of specially trained men, called lawyers.

One maxim of the law is that "ignorance of the law excuses no one." This means that every person is treated by the courts as if he knew the law, even though he is ignorant of it. It is therefore a part of the citizen's duty and is for his best interest to know something about the law. Many men have gone to prison in the Philippines because they did not know the meaning and power of the law. Many others have been deprived of their rights because they did not know what these rights were and that the courts were open to them for the enforcement of their rights. In the last few years many new



laws have been made. It will be impossible in this book to learn much about these laws, but we may learn something of the way in which justice is administered and what the courts are.

**Public and private law.** There are two great divisions of the law: *public* law and *private* law. Public law relates to offenses against the state, and private law to offenses committed by one individual against another. Of course, in one sense, all law is public law, because all law is made and enforced by the state. Moreover, since the state is composed of individuals, any injury done to an individual is also an injury to the state; for the state prospers only by the prosperity of the individuals who compose it. It is clear, however, that the laws that relate to the organization of the government and the protection of the state are of a different class from the laws which govern the relations between private persons. The man who plans an insurrection violates the public law; his act affects all the members of the state as a whole; but the man who allows his cattle to eat his neighbor's rice does a private injury, and his offense is subject to private law.

Another way of dividing the law is into *criminal* and *civil* law. Civil law applies chiefly to questions of property rights, such as titles to land, or to family relations, such as that of parent and child, husband and wife; while criminal law deals with crimes against the state.

**Felonies and misdemeanors.** There are various degrees of crime. A *felony* is a very serious crime, such as murder, burglary, etc., which is punishable by death

or imprisonment in the provincial or insular prisons. *Misdemeanors* are the lesser violations of the law, such as the infraction of municipal ordinances, offenses against the sanitary regulations, etc. Misdemeanors are punishable by small fines, or short imprisonment in the local jail.

**Codes.** A collection of laws classified according to subject matter is called a *code*. In the Philippines there are five special codes of law, besides the Municipal Code. They are the Criminal Code, the Civil Code, the Code of Criminal Procedure, the Code of Civil Procedure, and the Code of Commerce. The Criminal Code is also called the Penal Code.

The Criminal Code defines the acts which are crimes and states the punishment for the same. The Civil Code defines the civil rights of men with reference to personal and property rights. The codes of procedure are collections of laws which state the methods by which criminal and civil cases shall be brought into the courts and tried.

**Criminal procedure.** The method of catching, trying, and punishing criminals is called *criminal procedure*. It is very important that the rules of criminal procedure be carefully determined and faithfully observed, for otherwise great wrongs may be done to innocent people.

**Arrest of criminals.** Any one who finds a person in the act of committing a crime may arrest him and take him before a judge. If, however, it should prove later that the accused person was not committing a crime, the person who arrested him would himself be liable to arrest.

It is, therefore, better not to arrest a person, unless you are certain that he is committing a crime, and that he will escape justice if you do not arrest him. It is best when possible to call a policeman, if you suppose a crime has been committed. It is the duty of every citizen to assist in putting down crime. Peace and order cannot be effectively maintained in any country by the police alone, unless the police are so numerous that they are a burden on the state. One reason that a country like the United States is so free from bandits is not because the policemen are numerous, or the soldiers many, for they are far fewer in proportion to the population than in the Philippines, but because so many of the citizens try to prevent crime and to expose criminals. If you have knowledge of a crime, it is your duty as a good citizen to give information of the crime and the criminal to the police or the judge. While the law does not compel you to do this, your duty as a patriotic and law-abiding citizen is to make all reasonable effort to assist in the suppression of crime.

A police officer may arrest a person whom he merely suspects of crime. He must, however, have good reasons in his own mind for believing that the person is committing or has committed a crime, and his power should be exercised with great care. Usually when a crime has been committed a judge issues a warrant of arrest, that is, a written authority directing the police to arrest a person or persons named in the warrant. No policeman has the right to enter a private house, unless he is convinced that a crime is

being committed there. To enter a private house, even to arrest a man, the policeman must have a special order called a "search warrant." It should be remembered, however, that a policeman must always be obeyed. It is a very serious crime to resist an officer of the law, even when you think he is acting beyond his power. You may complain later to the judge, but at the time it is best to obey the policeman without resistance.

A private person who has been injured by another may secure a warrant for his arrest. To do this he must first make a statement under oath before a judge, stating facts which seem to show the guilt of the person. Then the judge, if the facts seem to show the probable guilt of the person, will order his arrest to be made.

It is the duty of the fiscals to secure warrants for the arrest of persons whom they believe from evidence to be guilty of crime. They should not wait for complaints from private citizens. If they suspect crimes are being committed, they should try to discover the criminals and cause their arrest.

**A criminal trial.** After a person has been arrested, it is necessary to find out as soon as possible whether he is innocent or guilty. This process is called the *trial*. The first step is to bring the prisoner before the proper court. If it is impossible to do this at once, the prisoner must be committed to jail and held for trial. If he wishes his liberty temporarily, he may obtain it, except when he is charged with the gravest of crimes, by giving *bail*. Bail is security given by the promise of money or other property by friends of the prisoner, as a guarantee that

he will appear before the court at the time set for trial. If the accused fails to appear, the money, or other property, is forfeited; that is, it becomes the property of the state.

**Presumption of innocence.** A rule of criminal procedure under our laws is that a person charged with crime is supposed to be innocent until he is proved to be guilty. Governments have existed in which a person arrested and charged with crime was supposed to be guilty until he proved his innocence. This is a grave injustice, for circumstances sometimes seem to prove the guilt of a man who in reality is innocent. It is, therefore, a rule of our criminal law that unless the state can prove "beyond a reasonable doubt" that the accused person is guilty, the judge must set him free.

**Arraignment of the prisoner.** At the trial of a person accused of crime the judge listens first to the *information*, which is a written accusation made by the public prosecutor. This accusation is sometimes presented before the judge has seen the accused. The first step in a trial is ordinarily the *arraignment*; that is, the appearance of the prisoner in court to plead "guilty," or "not guilty." If the prisoner admits his guilt, there is of course nothing more to be done but for the judge to fix his punishment in accordance with the law. If he denies his guilt, the trial proceeds. In some cases, however, the prisoner may claim that the court before which he is brought has no jurisdiction over his case, or that the information is not properly drawn up. In such cases the arraignment may be postponed.

**Method of trial.** The accused person is called the *defendant*, while the government is called the *plaintiff*. The fiscal, or similar officer, is the lawyer who represents the government, while the prisoner has a lawyer to present his side of the question. If a prisoner is too poor to hire a lawyer to defend him, it is the duty of the judge to appoint a lawyer to represent him, without charge.

At the trial each lawyer in turn presents his case for or against the accused. He states what he understands the law in the matter to be and what application he considers it has to the case of the defendant. Witnesses, that is, persons who know something about the facts of the alleged crime, are examined by the lawyers and the judge.

The judge is supposed to be impartial; he is on the side of neither the plaintiff nor the defendant; they appear before him as strangers, and he decides between them. The judge represents not the fiscal but the *law*.

After a consideration of the evidence presented and the arguments of the opposing lawyers, the judge gives his decision according to his judgment of the facts and the law. He pronounces the prisoner guilty or not guilty, and in the former case gives the *sentence*; that is, he fixes the amount and kind of the penalty within the limits allowed by the law. A crime may have *degrees*, that is, there may be circumstances that increase or lessen the guilt of the criminal. The conditions under which a crime was committed may show either *aggravating* or *extenuating* circumstances, the former calling for a heavier and the latter for a lighter penalty. It is thus

a serious responsibility for a judge to determine in just what degree a crime has been committed.

**Appeals.** If after trial and sentence the prisoner is not satisfied with the trial, he may in certain cases appeal to a higher court. If the appeal is allowed, the prisoner may be released temporarily on bail. Thus he may sometimes appeal from court to court until his case reaches the Supreme Court of the United States. From this tribunal there is no appeal. We shall see later what some of the laws regulating appeals are.

**The pardoning power.** The judges sometimes make mistakes, and there are also some circumstances for which the law cannot make provision. No system of laws is perfect and no judge is infallible. The law therefore provides that criminals who have been convicted and sentenced may be pardoned if the circumstances warrant it. There are many such circumstances that may be learned or may arise after the punishment is begun, circumstances which the judge cannot foresee and for which the laws cannot and do not provide. A man may be sentenced to five years in prison. After serving a part of his sentence he may become very ill. To keep him in prison might cause his death. The law did not intend so severe a punishment as death. Under such circumstances he may be granted pardon. The pardoning power in the Philippines is exercised by the Governor-General, but the actual pardon is granted by the President of the United States. A board of commissioners is usually appointed by the Governor-General to examine petitions for pardon. If on careful investigation

sufficient reasons are found for the exercise of executive clemency, a pardon may be granted.

**The object of punishing crime.** The fines and imprisonment, or it may be death, which the laws impose are called the punishment for crime. The object of this punishment is not revenge. The state does not punish the criminal because it is angry with him. Anger has no place in courts. The state punishes the criminal for the protection of society and to reform the criminal. The example of punishment exercises some influence in keeping other men from crime. It also, in some cases, prevents the criminal, through memory of his sufferings, from committing crime again after he is set free. In the case of criminals who are executed the element of reform is not present in the motives of the state. For this reason, among others, many are opposed to capital punishment.

To prevent crime and to reform the criminal are, then, the only objects of the punishments of the law. Through ignorance of the true purpose of punishment many prisons in the past have served the opposite of these purposes: they have made the criminal worse, and in the end set him free to prey upon society again. They have even served to make criminals of innocent persons by shutting them up with evil men, who corrupted them.

**Penal colonies.** For the reasons that we have just considered, the Philippine government endeavors to teach prisoners who are sentenced to long terms some useful trade so that they may earn an honest living when they are set free. It gives them useful employment in



prison, so that their minds may not become weak nor their hearts hard.

Further, the government has established a penal colony on the island of Palawan. Here on a great farm a large number of criminals live a healthful life, cultivating the soil, and even governing themselves in some respects. They are where they cannot injure society, and they are so treated that when they regain their freedom an honest life will seem pleasanter to them than a criminal life.

**Civil actions.** A *civil action* is a trial before the court to settle a dispute between private persons. It is usually undertaken to secure "damages": that is, the payment to the injured party of a sum of money as compensation for the wrong done to him.

In a civil action each party to the suit must hire his own lawyer, and the one who loses the case pays the costs of the court, including the cost of the opposing lawyer. After damages have been awarded by the judge it is sometimes difficult to secure the payment of the sum adjudged due the plaintiff. In case the defendant has property, an officer of the court may seize and sell this property to pay the damages.

While the law affords opportunity to every one to secure redress for private wrongs involving loss of property, it is not well to resort often to the courts. Actions at law are expensive and consume much time and strength. Often they fail to accomplish the desired end. It is better in many cases to compromise with your enemy than to risk the waste of time and money in vain.

**Special definitions.** There are a number of legal terms that demand special definition. Among these are the following:

*Habeas corpus.* If an accused person is not given a speedy hearing, or if he is held in jail and for any reason thinks his detention illegal, he may petition a court of competent jurisdiction for a writ of *habeas corpus*. This is a judicial order in writing made by the court and directed to a peace officer requiring him to produce the accused in court in order that the legality of his imprisonment may be determined. The words "habeas corpus" mean "you may have the body." The right of habeas corpus is one of the most precious of civil liberties, for without it men have sometimes been kept for many years in jail without a trial.

*Extradition.* If a person accused of crime, or a criminal, escapes to a foreign country, he may be arrested only by police officers of that country. Treaties exist between most countries specifying for what offenses persons who have fled from justice shall be delivered to the country from which they have fled. The process of arresting and returning a fugitive from the law is called extradition.

*Ex post facto law.* An ex post facto law is a law which makes a crime of an act that was not criminal at the time it was done, or which increases the penalty for a crime beyond the penalty existing at the time the act was committed, or in any way impairs the substantial rights of the accused in a criminal proceeding.

*Right of eminent domain.* The right of eminent

domain is the right which the government exercises of taking private property for public uses, at the same time paying the owner a just compensation for the property. This right is most commonly exercised in taking the land of private persons for the construction of roads.

## CHAPTER XVI

### THE COURTS OF JUSTICE

**Definitions.** There are three classes of courts of justice in the Philippines,—the justice of the peace courts, the courts of first instance, and the Supreme Court. There are also the courts of the city of Manila and the Court of Land Registration.

These courts differ in their jurisdiction and their powers. The jurisdiction of a court means the extent of territory within which it may try cases and the kind of cases which it has the right to try. A court in which a certain kind of case may first be brought to trial is a court of *original* jurisdiction. Some cases may be brought to trial in either of two courts. Such courts are said to have *concurrent* jurisdiction; it would also be true of such courts that each has original jurisdiction. If a court is the only court in which a case may be first brought to trial, that court has original and *exclusive* jurisdiction over such a case. A court has *appellate* jurisdiction when it has the power to hear a case that has already been tried in a lower court and has been brought to the former by appeal.

**The justice of the peace courts.** The most numerous courts in the Philippines are the justice of the peace courts. The law provides that there shall be one justice of the peace and one auxiliary justice in each municipality organized according to the Municipal Code, and one in such other places and towns as shall be determined by the Commission.

The object of having so many of these courts is to provide speedy justice for those accused of crime. It is also necessary to have many local courts so that cases of small importance may be disposed of at little expense to the government and the people. The trial of cases at law consumes much time and money, especially in the higher courts. Justice would often be delayed for years, or left undone, if there were not numerous small courts where cases may be heard with little expenditure of time and money. The higher courts are occupied with very important cases, and it would be impracticable to carry every case at once to the highest tribunal in the land.

**The appointment of justices of the peace.** The justices of the peace and the auxiliary justices are appointed by the Governor-General, with the consent of the Commission. The method of selection is as follows. The judge of the court of first instance, of the district where there is a vacancy in a justiceship, forwards to the Governor-General a list of names of the persons qualified to fill a vacancy. Justices and auxiliary justices hold their positions during good behavior. They may be removed for good reason by the Governor-General.

**Qualifications of justices.** A justice of the peace, or an auxiliary justice, must be at least twenty-three years of age, a citizen of the Philippine Islands, or of the United States, and of good moral character; he must have been admitted by the Supreme Court to practice law, or have passed the civil service examination for clerk of court, or an examination held in each province before a board

composed of the judge of the court of first instance, the provincial fiscal, and a practicing lawyer appointed by the judge, under rules and regulations to be prescribed by the Attorney-General with the approval of the Secretary of Finance and Justice. It is further provided that no justice of the peace or auxiliary justice shall be appointed for the city of Manila or for any provincial capital who has not been admitted by the Supreme Court to the practice of law. With the permission of the judge of the court of first instance of his district, a justice may pursue another business in addition to that of justice, except that of attorney for the party accused in a trial before him.

**Supervision.** The judge of the court of first instance of the district is the supervisor of the justices of that district. It is his duty to instruct and advise them in the law, and they must make an annual report to him of their work. For the purpose of instructing the justices, the judge of the court of first instance holds an assembly of justices each year in each province of his district. This assembly may be discontinued after three years if in the opinion of the judge the instruction of the justices is sufficient.

**Jurisdiction.** The territorial jurisdiction of a justice of the peace does not extend beyond his municipality, except in special cases for which the law provides. The object of this is to prevent persons from being summoned from a long distance to attend unimportant trials.

In all civil actions (except those exclusively reserved to the court of first instance) the justice of the peace

has original and exclusive jurisdiction, where the case does not involve a value of more than two hundred pesos. Where the amount involved is more than two hundred and less than six hundred pesos, the justice of the peace has concurrent jurisdiction with the judge of the court of first instance.

The qualifications, duties, and powers of auxiliary justices are the same as those of regular justices, and when they act in the place of the latter they receive the same compensation.

Appeals from the justice of the peace courts must be made within fifteen days from the date of the decision and must be accompanied by a deposit of sixteen pesos. The object of this is to prevent unnecessary appeals.

The power that formerly belonged to the president's court to try violations of municipal ordinances has been given to the justice of the peace. Except in the city of Manila, the justices of the peace have original jurisdiction to try persons accused of misdemeanors, offenses, and infractions of municipal ordinances in which the penalty does not exceed a fine of two hundred pesos, or six months' imprisonment, or both fine and imprisonment.

**Other powers of the justice.** Besides the right to hear and try the civil and criminal cases that come within his jurisdiction, the justice of the peace has the power anywhere within his jurisdiction to solemnize marriages, administer oaths, take depositions, and authenticate merchants' books.

A *deposition* is a declaration under oath made by a person who cannot be present to give testimony in a court

of justice. The deposition serves as evidence of the facts which it states. Depositions are rarely used in criminal cases.

**Compensation.** The salaries of justices of the peace are fixed by law. These are as follows: in first-class municipalities, ₱960 a year; in second-class municipalities, ₱840 a year; in third-class municipalities, ₱720 a year; in fourth-class municipalities, ₱600 a year. The law provides special salaries for justices of the peace in the city of Manila and in provincial capitals. These range from ₱3000 a year in Manila, to ₱1200 a year in the smaller provincial capitals.

For each criminal case, the fee is five pesos; for each civil action, three pesos, provided, that for prosecutions for infractions of municipal ordinances or for non-payment of cedula tax, the fee shall be one peso and fifty centavos. All fees except in the city of Manila are paid into the Insular Treasury. Salaries of justices of the peace are paid by the municipalities, but are later reimbursed to the municipalities by the Insular Treasurer. For further information regarding the justice of the peace courts, consult Act No. 2041 of the Commission. The fee for performance of the marriage ceremony, including marriage license, is one peso; for certified copies of any record, per hundred words, or any part of one hundred words, twenty centavos; for writing and certifying depositions, including oath, twenty centavos per hundred words; for taking affidavit, fifty centavos; for stamping and registering merchants' books, one peso.

**Preliminary hearing.** The justice of the peace must



conduct a preliminary hearing of a person charged with a violation of the law. This hearing must be in public, and the witnesses must be examined in the presence of the accused. This investigation must begin within three days of the time the accused was brought before the justice.

**The courts of first instance.** The courts of first instance are the courts which sit at certain times in every province and in the city of Manila to try appeals from the justice of the peace courts and cases in which the court of first instance has original jurisdiction.

The Islands are divided into fifteen judicial districts, besides a district known as the Mountain District, in the central part of northern Luzon, and the city of Manila. These districts embrace one or more provinces each, so that some judges of courts of first instance conduct court by turn in several provinces. These courts are of great dignity and importance, since all the more serious cases are brought before them, and their judges have the supervision of the justices' courts. The judges of the courts of first instance are appointed by the Governor-General with the consent of the Philippine Commission. The officers of the courts of first instance are the judge, the officer of the court, who is the governor in the provincial districts, the clerk of the court of first instance, and the provincial fiscal. The fiscal as the attorney of the government prosecutes most cases brought before this court.

**The Supreme Court.** The Supreme Court of the Philippines is the highest judicial tribunal of the land.

It consists of one chief justice and six associate justices. There is no appeal from this court, except to the Supreme Court of the United States, and only the most important cases can be appealed.

Most of the cases tried by the Supreme Court are cases appealed from the lower courts. The Supreme Court is independent of the Philippine Legislature. The latter makes laws, but the Supreme Court determines the meaning and application of these laws, and every one must obey the law according to the interpretation of the Supreme Court.

The seven Justices of the Supreme Court do not hear cases separately, except in special proceedings. They usually sit together and hear one case at a time. Since the cases heard before the Supreme Court are mostly those which have been appealed from the lower courts, the Supreme Court rarely hears witnesses. Instead of doing this it examines the written testimony which was made before the lower court and listens to the arguments of the opposing lawyers. The Supreme Court does not usually question the truth of the facts of a case as these are found by the lower court. Its principal business is to define and apply the laws that relate to these facts. When the Supreme Court has heard a case it may affirm the decision of the lower court, or reverse it, or affirm it with a change in the amount of the punishment.

The decisions of the Supreme Court are of the utmost importance to judges of the lower courts and to lawyers, for they show how the law should be interpreted, and in future trials the lower courts and the lawyers usually

follow the decisions of the Supreme Court. These decisions are published in the Official Gazette.

The Justices of the Supreme Court are appointed by the President of the United States, with the consent of the Senate. They hold office at the pleasure of the President.

**Going to law.** The courts of law are the place of last resort for people who cannot settle their quarrels in private. Persons who have disputes over property rights would usually do better to settle them peacefully out of court. Lawyers' fees are heavy, and even with the best systems of justice the delays of the law are often numerous and long. Many people waste their time and money in idle lawsuits. It is not wise to take trivial cases into the courts. If you have been cheated of ten centavos it is not wise to spend twenty pesos to get justice in court. Every one must suffer many little injustices in this world; it is better to act with such caution that you will seldom be wronged than to spend much time and money righting unimportant wrongs.

**The Court of Land Registration.** This court has exclusive jurisdiction over all applications for the registration of lands or buildings within the Philippine Islands. It holds its sittings in Manila, but may adjourn from time to time to such other places as the public convenience may require. There are at present five judges of this court. Further information regarding this court may be obtained by reference to Chapters 212 and 213, Compilation of Acts of the Philippine Commission.

## CHAPTER XVII

### TAXATION AND TAXES

**Necessity of taxation.** Taxes are sums of money paid in accordance with fixed laws by certain classes of persons for the support of the government. All the inhabitants of a country, whether citizens or not, may be required to pay taxes, because all share in the benefits which government confers.

No laws are more necessary than the laws enforcing taxation; all governments depend on taxation, and the more advanced and progressive the government, the greater the variety and amount of the taxes. Governments today undertake so many different kinds of work for the people that great sums of money are necessary to pay for this work. The taxes furnish this money.

The ignorant often look on taxation as a means by which the government enriches itself at the expense of the people. They see high-salaried government officials and the great sums of money spent upon government undertakings. Many feel that this money is taken from them by taxation for the personal benefit of the rulers and not for the good of the whole people. Now in some countries, where the control of the government is in the hands of a few unscrupulous men, this abuse of taxation occurs. Such governments, however, are not true democracies; they are legalized bands of organized thieves. Most great governments, however, derive their real power from the will of the people, and could not exist without the consent of the

majority of the people. In nearly all such governments it is true that taxation is simply the method by which the people use some of the money of some of the people for the benefit of all the people. The price of good government is high, but the benefits of good government are priceless.

**Uniformity of taxation.** The general rule by which taxation is guided in the Philippines is expressed in section 5 of the Philippine Act, approved July 1, 1902, which states that "the rule of taxation in said islands shall be *uniform*." By "uniform" is meant that every form of taxation should apply with equal force to all; that is, that no one should be exempted from a tax through favoritism; that all races and all classes should pay each tax according to a rule that is the same for all. This does not, of course, mean that all should pay the same total amount of money, but that they should pay at the same rate.

It is well to remember, however, that there are some who hold that a *progressive* tax is more nearly just than a uniform one. A progressive tax is one that is levied at an increasing rate where there is increasing ability to pay. Some governments, for example, tax inheritances; upon small inheritances they place a light rate of taxation, but upon large inheritances an increased rate. By this rule of taxation the rich pay a higher rate of taxation than the poor.

As in all other matters of government, "time and circumstance" can alone determine which of these methods is best for a certain country.

**The expenditure of taxes.** The principal purposes for which the money derived from taxation is spent are the maintenance of peace and justice, the construction of public works, the support of the public schools, the protection of the public health, and the salaries of the officers of the government.

**The cedula tax.** The *poll*, or *cedula* tax is a personal tax paid annually by every male inhabitant of the Philippines between eighteen and sixty years of age. The amount of this tax under American rule was one peso in all parts of the Philippines, until 1907, when permission was given to provincial boards to raise this tax to two pesos. In case the cedula tax is increased to two pesos, the additional peso must be spent wholly for the construction, maintenance, and repairs of the public highways and bridges. We see, therefore, that uniformity of taxation does not mean uniformity in the Islands as a whole; it may mean only uniformity within a single town or province.

The *cedula* is a certificate of registration given to every person who pays the poll tax. Males over the age limit and also women, of proper age, may obtain this certificate of registration by paying the regular fee, but they are not compelled to do so. The reason why women sometimes desire to possess a cedula is because it is useful to prove one's identity, that is, that one is the person he says he is. Soldiers and sailors of the United States Army and Navy, representatives of foreign countries to the Islands, and some others, are exempted from paying the cedula tax.

**The uses of cédulas.** Cédulas are of great value. They serve as certificates of identification, a fact of value in business and when traveling; those who vote for public officers must have cédulas; they must be presented by every one who appears in court, whenever any one transacts business with a public officer, pays any taxes, receives money from public funds, acknowledges any document before a notary public, assumes any public office, or receives any license or permit from any public authority.

The penalty for using another person's cedula as your own is a fine of two hundred pesos.

**Property taxes.** Property taxes are taxes on the possessions of people. There are two classes of taxable property: *personal property*, that is, property that may be easily moved; and *real property*, such as houses and lands, and improvements on the same.

The principal tax on real property in the Philippines is called the *land tax*. Such a tax is just in principle, because there can be no concealment of land, while some objects of taxation, like jewelry, for example, are easily concealed from the tax gatherer. Moreover, the value of land can be estimated with some degree of accuracy and uniformity, and on the whole changes slowly, while other kinds of property vary frequently in value, and are often estimated at a false value.

In a prosperous country the land tax is one of the best forms of taxation. The Philippines, however, have been subjected to so many misfortunes in the last few years that the land tax, though still legally in force, was

suspended in 1906 and 1907 in the Christian provinces and municipalities, except in the city of Manila. The reason for this was the poverty of many small farmers and the large amount of land that lay idle without paying a return to the owner.

The government is completing a careful assessment of the valuation of taxable real property in the Christian provinces and municipalities of the Philippines. This work is in charge of the Central Equalizing Board, an agency of the Insular Government. It is provided by Act 1686 that when this assessment is completed the provinces and municipalities in which the land tax has been suspended shall receive from the Insular Treasury as a reimbursement a sum equal to fifty per cent. of the total of the maximum land tax collectible at the maximum rate in such provinces and municipalities.

This sum of money is to be assigned in the following proportions to the expenses of the provincial and municipal governments: two sevenths to the provincial general fund; one seventh to the provincial bridge and road fund; four sevenths to the municipalities in accordance with the proportion which the assessed valuation of their real property bears to the assessed valuation of the taxable real property of the entire province of which the municipality is a part. The sum which finally falls to each municipality must be equally divided between the municipal general fund and the municipal school fund.

It is further provided by law that each provincial board may determine whether or not the land tax shall



be suspended in the future in its province. It will thus be seen that provinces in which the land tax is not collected depend in large measure for their revenues upon the Insular Treasury.

**Import and export taxes.** The principal source of revenue to the Insular Treasury is the import taxes, that is, the taxes on goods brought into the Philippines from foreign countries. The merchant who imports the goods pays the tax in the first instance to the government, but since he adds the amount of this tax to the price of the goods, the consumer (purchaser) is the one who really pays the import taxes. If, for example, a picul of rice cost the importer four pesos and he had to pay an import tax of one peso on each picul, he would fix his price to the consumer of rice by adding to the original four pesos the amount of profit he wished to make and also the one peso which he had to pay as an import tax. It is plain that the last man who purchases the rice is the one who pays the tax. For this reason import and similar taxes are called indirect taxes, because the tax is not paid directly to the government by the user of goods, but indirectly through the importer. "Customs duties" is the phrase usually applied to import taxes. The schedule according to which they are collected is called the tariff.

Of course if there were no tariff on foreign goods, many imported articles would be cheaper. On the other hand, it may be said in favor of the import taxes that most of the imported foreign goods are not strictly necessities; hence the people who can best afford to

pay the tax bear the greatest share of it. Further, if a tariff exists on foreign goods the price of similar domestic goods increases, which is a benefit to those engaged in industries and commerce.

*Export duties* are taxes paid on goods exported from the country. It is not well to have such taxes, because they discourage production. Exports should be encouraged, because, as a rule, the more a country exports and the less it imports the richer it grows.

**License taxes.** *License taxes* are sums of money paid for certificates giving permission to engage in certain kinds of business, or to do other things. Some of the license taxes in the Philippines are the taxes on public carriages, cockpits, market stalls, saloons, etc.

**Internal revenue taxes.** *Internal revenue taxes* are sums of money raised by taxing property, persons, and industry within the country; that is, they are not derived from imports and exports.

The taxes on alcohol, alcoholic liquors, and manufactures of tobacco furnish the greater part of the internal revenue receipts. The reason most of the internal revenue is raised from these articles is because they are luxuries, not necessities. Those who can afford to use tobacco and liquors should not regard the internal revenue tax as a hardship; for they need not pay this tax if they are willing to give up the use of these articles. The tax on liquors and tobacco is an indirect tax, because the distiller or the manufacturer adds the amount of the tax to the cost of the articles to the consumer. The latter is the person who really pays the tax.

The chief of the remaining internal revenue taxes are the poll tax, the tax on matches, forestry products, business, manufacture, occupation, and the stamp taxes.

*Stamp taxes* are sums raised by the sale of certain kinds of stamps to be affixed to certain kinds of documents, such as bank checks, deeds, etc.

Farmers who sell products of their own raising, exporters, artisans, and some others, are exempted from the tax on business and manufactures. The object of making exceptions of these classes is to encourage agriculture and to relieve from the burden of taxation people who are too poor to pay the tax with ease.

The principal persons who pay occupation license taxes are brokers, lawyers, and other professional men, and proprietors of places of public amusement, such as cockpits.

**Expenditure of internal revenue taxes.** The taxes on theaters, cockpits, etc., are expended exclusively for the benefit of the municipality where they are assessed and collected.

The other internal revenue receipts are divided in a certain proportion between the insular, provincial, and municipal governments, whereas the import duties go wholly to the insular government.

**Apportionment of internal revenue taxes.** The provinces and municipalities do not receive equal shares of the internal revenue receipts, but the share of each province and municipality is proportioned to its population. The reason for this is, of course, that the

provinces and municipalities with the largest population have, as a rule, paid a larger share of the taxes than those of small population, and so should receive a larger share of the profits.

In the Christian provinces, the rule by which the internal revenue receipts are divided between the province and the municipalities is as follows: Ten per cent. of the total receipts is devoted to general provincial purposes. If a province has increased the cedula tax to two pesos, its due proportion of an additional ten per cent. of the internal revenue receipts is assigned to it to be spent wholly on roads and bridges. Twenty per cent. of the internal revenue receipts is devoted to the expenses of the municipalities, of which half must be devoted to the support of free public primary schools.

In making this distribution the city of Manila receives a share as a province and also as a municipality.

**The road law.** There is still another kind of tax, provided for by the "road law." This tax is not made compulsory by the insular government, but is left to the judgment of the provinces and municipalities to adopt if they see fit. This law provides that every male inhabitant of the province or municipality which adopts it who is subject to the poll tax, shall labor on the public highways, bridges, wharves, or trails, five days of eight hours each for every calendar year, or pay the equivalent of such labor in cash. This law does not apply to the non-Christian provinces and settlements, nor to the city of Manila, the members of the Constabulary, or the municipal police.

This law does not take effect in any province as a whole until it has been adopted by the provincial board and a majority of the municipalities of the province. Any single municipality may, however, adopt this law.

There is no material need of the Philippines greater than that of good roads and bridges. This matter is of such importance that it is well to quote here the statement of Governor-General Smith in his message to the First Philippine Assembly :

“The Executive is sorry to say that today, owing to the negligence and indifference of municipal officials, the roads and highways of the Islands have fallen into such a disgraceful condition that in the rainy season they are better suited for boats than for land transportation. . . . Exclusive of the Benguet road, the insular government has constructed some five hundred miles of road, and expended for the purpose more than three million pesos ; and for what ? — to see the highways go to ruin through the indifference of the very people for whose benefit they were constructed. To enable municipalities to keep their roads in repair the Commission passed a road law, and, recognizing the autonomy of the local governments, made the law effective on its acceptance by the convention of municipal officers. . . . To build all the roads which are necessary for the development of the Philippine Islands and to put the existing highways into proper condition would cost somewhere in the neighborhood of \$65,000,000 gold. The Philippine government probably has less income in proportion to its population than any other government on earth, and unless the people are willing to make some sacrifices for their own welfare and prosperity, the development of the resources of the Islands will be long delayed. Indeed, in one province during the last year the cost of transporting a picul of abaca a distance of five miles was three pesos, and this contribution to bad roads was paid willingly and without a murmur, while the imposition of a tax of the

same amount for the purpose of securing good roads and a reduction of the cost of transportation by seventy-five per cent. would have been considered by those most concerned as an intolerable act of tyranny and oppression."

The forced labor law under the Spanish régime, by which forty days' labor on public works was exacted of every able-bodied male adult (later reduced to fifteen days) was accompanied by so many abuses and the labor produced such poor results that great opposition is felt to any forced labor law. It is believed that today, with a moderate requirement of forced labor and an honest and capable administration of the law, a labor tax of this sort would be of inestimable benefit to the country. Few greater services to their country could be performed by those who understand the purpose and proper administration of taxation than to work for the removal of this prejudice against a moderate labor law, and to awaken the people to the fact that such labor would be spent for their own highest profit.

## CHAPTER XVIII

### THE POSTAL SAVINGS BANK AND THE HOMESTEAD LAW

**Value of savings.** A *savings bank* is a place where people may deposit from time to time sums of money which they wish to save. Money deposited in a savings bank bears interest, and may be withdrawn when the depositor wishes. The object of placing money in a savings bank is to accumulate money against the coming of old age or sickness, or for some other special need of the future.

Experience shows that people who cultivate the habit of laying up money in a savings bank are more contented and prosperous than those who have nothing laid aside for the future. Money set aside in this way becomes *capital*; that is, a form of wealth that is reproductive. A savings bank deposit is not only a fund which contributes to the security of the individual who owns it, but is also a source from which the state may obtain loans in time of war or other national distress. Savings deposits are sources from which great business corporations may obtain funds to develop the resources of a country. Thus the savings of a people form the foundation of national wealth. No people can hope to attain a great place among the nations of the world who have not laid by in savings banks large sums of money. *The financial independence of its citizens is the foundation of the political independence of the state.*

**The Philippine Postal Savings Bank.** For these reasons the government has established the Philippine

Postal Savings Bank. This bank is administered by the Bureau of Posts. The main office of the bank is in the central post-office at Manila, while the larger post-offices of the Islands are branches of the Postal Savings Bank. The object of the government is not its own immediate financial gain, but to provide for the safety and increase of the savings of individuals, and so to guarantee the financial independence of the state.

**Safety.** The Postal Savings Bank is the safest place in the world in which to deposit money. The Philippine government guarantees absolutely to return the money of the depositor. If the money is stolen, burned, or in any other way lost, the government makes good the loss to the depositor. The depositor cannot fail to recover his money, unless the government fails and the credit and resources of the state are destroyed.

**Interest.** The government lends at interest the money deposited in the Postal Savings Bank and from the earnings of the money pays the depositor a small rate of interest. The principal advantage of depositing money in the Postal Savings Bank is not, however, the amount of interest to be gained, but the availability and safety of the deposit. It is easy to lend money at a high rate of interest in the Philippines, but frequently difficult or impossible to get back the money that has been loaned. A peso where you are sure you can have it any time is worth several pesos that you may get some time when your debtor is able and willing to pay you.

**Conditions of deposit.** Any person living in the



Philippine Islands (not under legal disability) may make deposits in the Postal Savings Bank. Boys and girls as well as men and women may open an account with the Postal Savings Bank.

Besides opening an account for himself any person over twenty-three years of age, or less than twenty-three but the head of a family, may open an account for any other person who from youth or other reason is unable to manage his own affairs.

A special advantage which savings banks deposits have is that they are not subject to taxation, nor can they be seized for debt if the amount of the deposit is less than one thousand pesos.

By purchasing Postal Savings Bank stamps one may save as small a sum as five centavos at a time. When one has a peso either in money or in stamps he may deposit it in the bank. The stamps may be bought and the method of using them learned at any Postal Savings Bank office.

All officers connected with the Postal Savings Bank are bound to keep secret the facts concerning the depositor's account.

**Public land.** Land not owned by private individuals but held by the government for the benefit of all the people is called *public land*. About nine tenths of the land in the Philippines is public land. This land is divided into three classes, — forest, mineral, and agricultural land, — according as it is most valuable for lumbering, mining, or farming purposes. There are certain laws governing the acquisition of this land by

private individuals. The most important of these laws is the *homestead law*, by which it is made possible for a citizen to acquire from the public agricultural land a farm and home of his own.

**Homesteads.** A *homestead* is the permanent home of a man and his family. It consists of the land the government gives him and the house he builds upon that land. Any Philippine or American male citizen not less than twenty-one years of age may obtain a homestead consisting of sixteen hektars of public agricultural land, if he will cultivate the land for five years and reside upon it the last two. No person, however, who already owns more than sixteen hektars of land may obtain a homestead.

If a person is married he may obtain a homestead, even though he is less than twenty-one years of age. A married woman may obtain a homestead if her husband cannot support the family owing to sickness. Each of the children of a family may obtain a homestead, if they possess the proper qualifications of age, sex, and citizenship.

**Object of the homestead law.** The object of the homestead law is to provide homes and farms for those who have none, and so to increase the wealth of the state and the stability of the government.

There are many small landholders in the Philippines, but their farms are so small that the owners have little wealth and small prospect of obtaining more. The benefits of advanced civilization, such as higher education, better houses, clothes, and food, and successful

participation in popular government, depend largely on wealth. Wealth is the product of land, industry, and thrift. In the Philippines most of the wealth comes out of the land, and as long as only a few own large farms, there will be but few wealthy farmers and a few only will enjoy the full advantages of culture and political liberty. With a population on the verge of starvation and farmers cultivating just enough land to live upon, the many will always be the servants of the few. With multitudes of prosperous farmers in the Philippines many men will be able to devote a share of their time to public affairs, and will possess the ambition and sense of responsibility that accompany wealth.

Sacrifices are necessary on the part of those who leave the social pleasures of the home village and live in the wilderness, turning the lonely public lands into fruitful farms and cheerful homes. Unfortunately the "pioneer spirit" is not yet strong in the Philippines, and few have been found to make homesteads under the public land law. Up to October, 1907, 968 applications for homesteads had been allowed, while 2999 were at that time still under consideration. The growth and strength of the great new countries of the world, like the United States, Canada, and Australia, have been due chiefly to the spirit that made the pioneers of these countries seek independence and prosperity by their own bravery, sacrifice, and toil on the broad and virgin fields of the public lands.

**How to obtain a homestead.** The first thing to do in obtaining a homestead is to find and decide upon

the land one desires to settle upon. There is some public agricultural land in every province, but in the more thickly populated provinces most of this public land is in the mountains and is not well adapted for agriculture. In Luzon the provinces of Cagayan, Isabela, and Nueva Vizcaya have much public agricultural land. There is also very much public agricultural land in Mindoro and Mindanao. Land unclaimed by any one, and upon which no one pays a tax, is probably public land. One who wishes a homestead should make application to the provincial treasurer of his province for information about the public lands of the province. From the treasurer the necessary application blanks may be obtained.

The applicant for a homestead must pay a fee of twenty pesos. At present he may pay ten pesos when the application is made and ten pesos when the title is granted; or he may pay four pesos when the application is made and four pesos each year thereafter until he has paid the full twenty pesos required by the law.

**Residence and final proof.** It is necessary to cultivate a homestead for five years continuously, and to reside upon it the last two, in order to perfect the title. One may, however, be absent from his homestead for periods not exceeding six months at a time, by securing permission from the Director of Lands. Such permission may be granted on account of war, failure of crops, sickness, or to allow opportunity to earn money to improve the land.

At the end of five years final proof must be made:

that is, you must prove by two men who have no interest in the land that you have fulfilled all the conditions imposed by the government. You will then receive a document called a *patent*, or title. The land will be surveyed at the expense of the government, and you may be absolutely sure that no one can take this land from you. A homestead may not be taken even for debt, if the debt was made before the patent to the homestead was secured.

**Other ways of obtaining public land.** There are three other ways of obtaining public land, — as a *gift*, by *purchase*, and by *lease*. Sixteen hektars of public land may be obtained under a *free patent*, without cost, by a Filipino who has lived on public land, without a title, from August 1, 1898, to the present time. If his ancestors have occupied and cultivated the land for a part of this time and he himself for the rest of the time, he is also entitled to a free patent. If he and his ancestors lived on and cultivated the land from August 1, 1895, to August 1, 1898, and from July 4, 1902, to July 26, 1904, he may get a free patent, even though he did not occupy the land between August 1, 1898, and July 4, 1902. Application for a free patent must be made to the court of land registration through the provincial treasurer.

Sixteen hektars of the public agricultural lands may be purchased from the government in addition to the sixteen hektars secured under the homestead law. This purchased land must be cultivated, but the cultivation may be done by another man than the purchaser. The land that one wishes to purchase is offered for sale by

the government to the highest bidder; if your bid is the highest, you obtain the land. The lowest price at which public land may be sold is ten pesos a hektar. Purchased public land must be occupied and cultivated for five years in order to obtain a title.

The payment for public land may be made in a lump sum when you receive notice that the land will be sold to you, or in five equal annual instalments, or in one sum at the end of five years.

Land to the amount of 1024 hektars may be leased by an individual, or by a company. It is not necessary to live upon the leased land; one may hire another person to live upon and cultivate the land. Leases may be made for a period of twenty-five years, and at the end of this period the lease may be renewed for another twenty-five years. For the first twenty-five years an annual rental of not less than fifty centavos a hektar must be paid. This rent must be paid one year in advance.

## CHAPTER XIX

### PUBLIC EDUCATION

"We have laid the foundation of a primary and industrial educational system here which, if the same spirit continues in the government, will prove to be the most lasting benefit which has been conferred on these Islands by Americans." — WILLIAM HOWARD TAFT

**Education by the state.** The Constitution of Massachusetts, adopted in 1780, is "the oldest written constitution in the world now in force." This famous document strikes the keynote of the American idea of public education in these words:

"Wisdom and knowledge as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend upon the opportunities and advantages of education, — it shall be the duty of the legislature and magistrates in all future periods of this commonwealth to cherish the interests of literature and the sciences and all the seminaries of them; especially the University at Cambridge, public schools, and grammar schools in the towns."

The constitutions of the other states likewise provide that there shall be a general system of public education under the control of the state. This policy has been followed by the American government in the Philippines. The statement from the Constitution of Massachusetts, when analyzed, is seen to imply these assertions:

1. The duty of the state is to preserve the rights and liberties of all the people.

2. To understand and use these rights and liberties all people should be educated.

3. Therefore the state should sustain a complete system of public education from the primary school to the university.

**Liberty of private education.** While it is an American principle that free general public education is the duty of the state, liberty is left to the family and to private bodies of citizens to share in the work of education. Both in the United States and in the Philippines the government welcomes the educational work of private institutions of learning. It does not compel those to attend the public schools who desire to attend private schools. The state insists only on a minimum of education for all, with opportunities, if possible, for the higher education of those who can profit by it. The function of the state with relation to private institutions of learning is to see that the standards of education are maintained and that nothing is taught that would endanger the growth and safety of the state.

In the Philippines, particularly, the government encourages private education, because with all its resources the government is not rich enough to give even an elementary education to all. The education of the whole people is exceedingly expensive. Many of the poor are unable to keep their children for years in the schools. The greatest danger to democracy is an ignorant populace; for ignorance breeds suspicion, folly, and vice; it enslaves the common people with the chains of poverty, and makes them the easy prey of the



selfish rich and the unscrupulous politicians. For these reasons, and because the education of the masses in this country is so deficient, the government spends vast sums on free public education, and gives protection and encouragement to all worthy private educational institutions.

**The Bureau of Education.** The organization of the school system of the Philippines differs from that of the United States in that it is prescribed and administered by the central government, while in the United States each state plans and carries on its own schools in the manner that seems best to it. In the Philippines the lack of resources in the provinces makes the support of the central government necessary. Therefore the public schools of the Islands are placed under the control of the Bureau of Education of the insular government. This bureau is a part of the Department of Public Instruction, and is under the immediate charge of the Director of Education, who is the chief of the bureau.

**The Director of Education.** The powers of the Director of Education are numerous and his responsibilities are great. Subject to the approval of the Secretary of Public Instruction and the limitations of the Civil Service rules, he appoints all the officers and employees of the Bureau of Education, except the two assistant directors of education. He assigns all insular teachers to their stations, determines their salary, makes their promotion, and regulates their discipline. In addition he prescribes the various courses of study to be pursued, decides upon the adoption of textbooks, subject to the

approval of the Secretary of Public Instruction, as above stated, determines the location and number of the various schools, and decides many other questions. There is a large body of "school laws," part of which has been enacted by the Commission, while much consists of administrative regulations issued by authority of the Secretary of Public Instruction or the Director of Education. The Director is responsible for the proper application of these laws.

**The school divisions.** From the central office of the Bureau of Education in Manila the work of the school divisions is directed. There is one of these school divisions for each province of the Islands. At the head of each is a division superintendent of schools. Within his division the superintendent has jurisdiction over the public schools of the province and its municipalities. He appoints the municipal teachers, fixes their salaries, assigns their stations, makes recommendations to the provincial board and municipal councils respecting school matters, and executes the orders of the Director of Education.

Besides the provincial school divisions, there are at Manila the Philippine Normal School and the Philippine School of Arts and Trades, directed by superintendents. These are insular schools, open to students from all the provinces. The city of Manila constitutes a separate school division.

**Supervising districts.** The school divisions are subdivided into supervising districts, of which there were 450 on January 1, 1910. The teachers in charge of these

districts are called supervising teachers. They are in reality subordinate superintendents who combine supervising work with that of the teacher.

**The schools.** The organization of the schools contemplates a complete system of education from the primary grades to the University, with its professional courses of medicine, law, engineering, etc. The Philippine Medical School, the School of Fine Arts, the College of Agriculture, and the College of Philosophy, Science, and Letters are the only schools of university grade yet established by the Philippine Government.

At present there are about 4100 primary schools. These schools are supported by a tax of one fourth of one per cent. of the assessed valuation of the lands, and improvements thereon, of the municipalities, and by certain funds from the internal revenue receipts. The superintending force, however, including all American teachers and a number of Filipino teachers, and the textbooks, are at present a charge of the insular government. The superior wealth of the insular government renders possible frequent aid to the municipal and provincial schools, aid which will be withdrawn as soon as the local centers of education become sufficiently prosperous to maintain their own schools. There is no burden of taxation which more properly belongs wholly to a municipality than that for its schools. The ambition of every municipality should be to make every possible sacrifice both as a municipality and by the gifts of private citizens to support its local schools from its own funds. About 250 intermediate schools

have been established in the larger municipalities for the benefit of those who have the leisure and capacity for intermediate instruction. Since these schools instruct students from several municipalities they receive most of their support from the central government. Besides the regular intermediate schools there are the following special schools: six schools of arts and trades, a school of commerce, a normal school, and a school for the deaf and blind.

Modern education is more practical than that of former times. The most pressing wants of the Philippines are better homes, better methods of cultivation, and the extension of the arts and industries. It is a part of the duty of education to provide instruction in correct house-keeping and to prepare the young for successful self-support, as well as to train the literary and artistic faculties of the mind and to give instruction in science and history. The demands of modern citizenship are so great and the life of a modern civilized people is so varied and rich in its activities that no single phase of education can wisely be allowed to receive more than its due share of attention. The schools exist not to form all the youth in one mold, but to give to each the particular opportunity to develop his own powers in the way that will be most useful to himself and to his country.

There are 38 provincial high schools, supported as far as possible at the expense of the provinces, since these schools are for the use of the children of all the municipalities of a province. For instruction in the

various schools of the government educational system there are at present employed about 700 American and 9000 Filipino school teachers, while the monthly enrollment for March, 1911, was about 450,000. This number is little more than one third of the total number of children of school age in the Philippines. There remains, therefore, need for the most strenuous effort on the part of patriotic citizens to enlarge the opportunities for the education of the Philippine youth.

## CHAPTER XX

### THE TRAINING OF THE CITIZEN

"Fellow countrymen: — No man has given greater proof than I of desiring liberties for our country, and I still desire them. But *I make the training of the people a premise*, so that they, *by education and labor*, may attain a personality of their own and become worthy of those liberties. In my writings I have recommended study and civic virtues to the people; without these redemption is impossible." — JOSÉ RIZAL

**The basis of good citizenship.** Many things have already been said in this book about the training of the citizen. Patriotism, education, intelligence, courage in the use of the ballot and in other matters, have claimed our attention as means in the making of useful citizens. There are some other topics, however, that require the consideration of those who aim at the highest citizenship.

Above all it should not be forgotten that mere instruction in the duties of citizenship does not alone make good citizens. Aristotle wisely said :

"Instruction, though it plainly has power to direct and stimulate the generous among the young . . . is as plainly powerless to turn the mass of men to nobility and goodness."

Good citizens are simply *good men doing their political duty*. To the influences of the home circle, of religion, of examples of patriotic manhood, and of racial and national pride, the state must look to furnish the material from which citizens are made.

Granting the existence of noble manhood and womanhood among a people, there are certain directions in

which their minds may be turned to develop useful citizenship.

**The citizen's part in politics.** The good citizen will take an active part in the political life of his country. Politics should not be left to office seekers and office holders. The whole duty of the citizen of a democracy is not comprised in obedience to the laws, still less in merely finding fault with the laws and the government. It is the interest and duty of every citizen to know the principles and plans of the political parties of his town, province, and country, to learn what he can about candidates for office and office holders, and to inform himself and others by every means about all that relates to the political life of his people.

This is what Rizal meant when he said that "civic virtues" were first necessary before a people could become worthy of political liberties. Every citizen should be thoroughly familiar with the government of his own municipality. The council meetings are open to the public; the councilor will explain to the people of his barrio what the municipal government is attempting; the monthly receipts and expenditures of the municipality are posted for public inspection; complaints may be made to the provincial governor if the laws are not justly executed. Each citizen, therefore, has every opportunity to examine, understand, and criticize the workings of his municipal government. There is no law that compels him to do this, but if he does not do it he has no right to call himself a patriot, or to ask for or expect political liberty. There is no liberty without responsibility,

and no fulfillment of responsibility without personal knowledge and effort. In a democracy officers are chosen by the people not to think for the people, but to execute the thoughts of the people. The people, therefore, must think about government. They must discover the facts for themselves and not believe all the politicians say. This is their *right* and their *duty*.

**The press.** It is less easy to understand and take part in the political life of the province and the country than in that of the municipality. Most private citizens must learn about the politics of the province and the Archipelago from the newspapers, and from books. The press is a powerful agency of political life in all modern countries. It is a useful and at the same time a dangerous source of information. It is useful because the press furnishes news of the political progress of all parts of the country. For those who do not travel and do not meet others of wide knowledge the press is the only means by which they may form intelligent opinions about the larger political life of their country. It not only reflects the progress of civilization in one's country and the march of important events, but presents the opinions and policies of political writers and the government. For these reasons newspapers are invaluable, and all citizens should read at least one newspaper.

On the other hand, so powerful is the press that it is often used by politicians and political parties to further their selfish ends. Sometimes newspapers are owned and published for the purpose of misleading the people instead of instructing them. If possible, the citizen



should learn what persons and influences are behind a newspaper. Then he may read its pages with discernment.

It should also be remembered that the writers of newspapers are merely men, who often gather their news hastily and inaccurately, and form their opinions rapidly. The printed page has great authority, especially for the young, most of whose early education is from books. A book is usually written with care and deliberation and the better class of books are written under the names of scholarly and responsible men. It is not always thus with the newspapers. Most newspaper articles are the product of the passing moment, are unsigned, and sometimes are valueless, or even harmful. Yet in a democracy there is no single force so powerful for instruction in the duties of citizenship as the newspaper, nor any more useful aid to good government. When read with discrimination the newspaper is an indispensable element in the training of the citizen.

**The conduct of a deliberative meeting.** Any male citizen is likely at some time to take part in the deliberations of a political meeting or body. There are certain rules of order usually followed in such meetings which every citizen of a democracy should understand. A body that sits for the purpose of discussing questions and reaching decisions by the vote of its members is a deliberative body. It is very necessary to the success of such a body that its business be conducted with order, clearness, and dispatch.

**Organization of a deliberative body.** The first step

in the organization of a deliberative body is to call the meeting to order. This is done by some one of the persons who summoned the people to the meeting. Next a chairman should be chosen by vote of those present, also a clerk, or secretary. These officers may be elected temporarily for the first meeting, or until a permanent organization is formed.

Whatever be the nature of the organization formed, in subsequent meetings the chairman will call the meeting to order. Then the secretary will read the "minutes," or records, of the previous meeting. The chairman will say upon the conclusion of the reading of the minutes, "Are there any corrections to be made in the minutes?" If no one calls attention to any errors in the records the chairman will say, "The minutes stand approved as read."

**Order of business.** The chairman will next call for the discussion of any unfinished business that may have been left over from the last meeting. If there is no such business, the chairman will call for the discussion of new business. At this point any member may present any matter that is proper for the consideration of the body assembled. It is customary for one who desires to speak to arise and address the presiding officer of the meeting with the words, "Mr. Chairman," or "Mr. President." If the chairman considers that the person addressing him has the right to speak, he will reply "Mr. —". It is the duty of the chairman to decide who has the right to speak when several persons claim that right at the same time, and it is also the privilege of the chairman to

determine whether the remarks of a member are appropriate to the subject under discussion. If the chairman sees fit, he may say, "The gentleman is out of order," in case the speaker is violating any of the rules of order accepted by the deliberative body.

**Motions.** After a speaker has been recognized by the chairman, he may present a "motion" as follows: "Mr. Chairman, I move that the following motion (or resolution) be adopted." After the motion is stated, or read, the chairman inquires whether any member wishes to "second" the motion that has been made. If so, some one may rise and say, "I second the motion." It is now the duty of the chairman to say, "The motion is open for discussion. Are there any remarks?" The members who desire may then speak in turn for or against the motion.

After all who wish have spoken on the question, or the members desire to cut short the discussion, the chairman says, "Are you ready for the question?" If replies of "Question, question" are made, the chairman says, "All who are in favor of this motion will please indicate it by raising the right hand." After the hands have been raised, and have been counted by the secretary, the chairman says, "All who are opposed to this motion will indicate it by the same sign." After the opponents of the motion have been counted the chairman announces the result by the words, "The motion is carried," or "The motion is lost." Sometimes motions are decided by a viva voce vote. In such case the chairman calls for the ayes and nays. A decision may also be reached by a

standing vote. If desired, a question may be decided by balloting; in this case the chairman usually appoints some persons as tellers, that is, men who count the ballots.

A full knowledge of parliamentary rules can be obtained only from special works upon this subject. Municipal councils, provincial boards, and the Philippine Assembly have the authority to adopt their own rules of procedure, but the rules of all deliberative bodies must include some such definite methods of conducting business as the above.

**The Bill of Rights.** Nothing is more important in the training of the citizen than a proper comprehension by him of the meaning of the statements of the "Bill of Rights." By this term in the Philippines is meant Section 5 of the Philippine Act, approved July 1, 1902, which defines the rights of citizens of the Philippines. There never was a more important law passed for the Philippine Islands than this. At a stroke of the pen it gave Filipinos rights which they had been fighting in vain for hundreds of years to obtain from Spain. Most of the statements of this section have been explained earlier in this book. The entire section is given below for detailed study.

"That no law shall be enacted in said islands which shall deprive any person of life, liberty or property without due process of law, or deny to any person therein the equal protection of the laws.

"That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

"That no person shall be held to answer for a criminal offence without due process of law; and no person for the same offence shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

"That all persons shall before conviction be bailable by sufficient securities, except for capital offences.

"That no law impairing the obligation of contracts shall be enacted.

"That no person shall be imprisoned for debt.

"That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President or by the Governor, with the approval of the Philippine Commission, whenever during such period the necessity for such suspension shall exist.

"That no *ex post facto* law or bill of attainder shall be enacted.

"That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign state.

"That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

"That the right to be secure against unreasonable searches and seizures shall not be violated.

"That neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

"That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

"That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

"That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

"That the rule of taxation in said islands shall be uniform.

"That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

"That no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

"That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only."

This list of civil rights includes all the personal rights enjoyed by citizens of the United States in their own country, except the right to bear arms and the right to trial by jury. It is the opinion of many American publicists that the unrestricted right to bear arms is an evil in the United States. This right is restricted in the Philippines because it is believed that the security of the people as a whole is thus best ensured.

Trial by jury is subject to many dangers of the miscarriage of justice and can be safely adopted in the Philippines only when a very high standard of intelligence, courage, and self-restraint has been reached by the masses of the people.

**Oath of the Athenian Ephebi.** In concluding this work the author knows of no better vow to suggest to Philippine citizens as a patriot's resolve than the oath, called the Sacred Oath, taken thousands of years ago in Athens by the ephebi. "Ephebus" was a term applied to young men who during the years from eighteen

to twenty were drilled in the duties of defending the Athenian state and prepared to understand and perform the duties of citizenship.

### THE OATH OF THE EPHEBI

"I WILL NEVER DISGRACE THESE SACRED ARMS, NOR DESERT MY COMPANIONS IN THE RANKS. I WILL FIGHT FOR TEMPLES AND PUBLIC PROPERTY, BOTH ALONE AND WITH MANY. I WILL TRANSMIT MY FATHERLAND, NOT ONLY NOT LESS, BUT GREATER AND BETTER THAN IT WAS TRANSMITTED TO ME. I WILL OBEY THE MAGISTRATES WHO MAY AT ANY TIME BE IN POWER. I WILL OBSERVE BOTH THE EXISTING LAWS AND THOSE WHICH THE PEOPLE MAY HEREAFTER UNANIMOUSLY MAKE, AND IF ANY PERSON SEEK TO ANNUL THE LAWS, OR TO SET THEM AT NOUGHT, I WILL DO MY BEST TO PREVENT HIM, AND WILL DEFEND THEM BOTH ALONE AND WITH MANY. I WILL HONOR THE RELIGION OF MY FATHERS."

*Ephesian Oath - Education 101*

## APPENDIX TO THE FIFTH EDITION

**The initiative and the referendum.** The *initiative* is a plan by which the people themselves propose laws and cause them to be submitted to the voters for their approval. This is an attempt to return to pure democracy. In the state of Oregon, for example, it is provided that eight per cent of the voters may by petition propose an amendment to the Constitution. When so proposed it must be acted on by the voters of the state. Ordinary laws may also in Oregon be proposed and adopted by the people. Moreover, upon the petition of five per cent of the voters, any act of the legislature, with some exceptions, must be submitted to the people for their approval, without which it cannot go into effect.

This last privilege is called the *referendum*, that is, the privilege of approval or rejection by the people of the laws enacted by the legislature. The referendum has been long used in the United States, but only in exceptional matters. Its use is now spreading rapidly. Usually the proportion required for the initiation of a proposed law is eight per cent of the registered vote.

The merit of the initiative is that it enables the people to cause the enactment of legislation which they wish when, as often happens, their legislators neglect to pass such legislation.

The referendum serves to correct the mistakes and prevent the corrupt acts of legislatures. It also increases the interest of the voters in public affairs, and adds to their information as to the conduct of the government.



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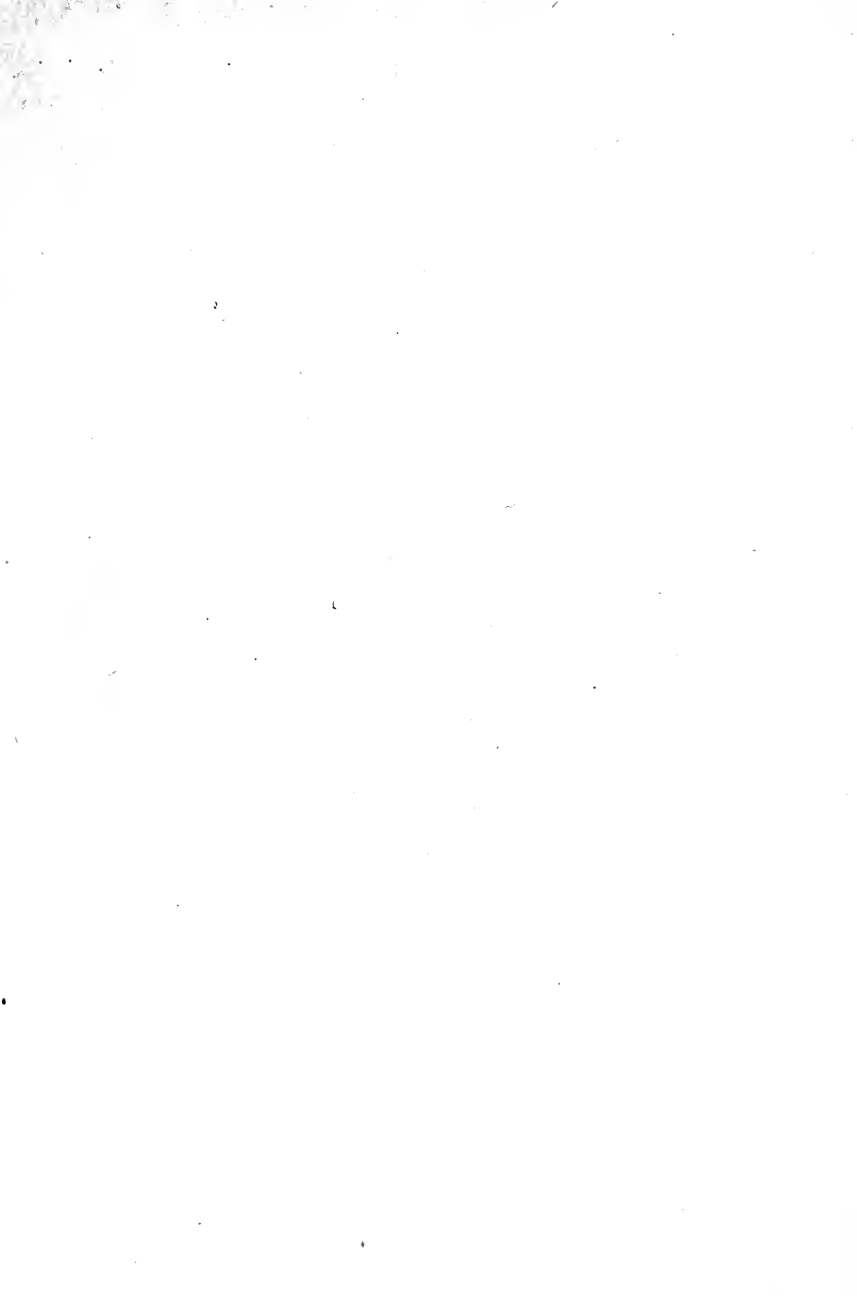
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